# FEDERAL REGISTER

VOLUME 12 NUMBER 97

Washington, Friday, May 16, 1947


## TITLE 3—THE PRESIDENT

### EXECUTIVE ORDER 9852

APPOINTMENT OF A MEMBER OF A MILITARY TRIBUNAL ESTABLISHED FOR THE TRIAL AND PUNISHMENT OF MAJOR WAR CRIMINALS IN GERMANY

By virtue of the authority vested in me by the Constitution and the statutes, and as President of the United States and Commander in Chief of the Army and Navy of the United States, it is ordered as follows:

1. I hereby designate Charles F. Wennerstrum, Chief Justice of the Supreme Court of the State of Iowa, as a member of one of the several military tribunals established by the Military Governor for the United States Zone of Occupation within Germany pursuant to the quadripartite agreement of the Control Council for Germany, enacted December 20, 1945, as Control Council Law No. 10, and pursuant to Articles 10 and 11 of the Charter of the International Military Tribunal, which tribunal was established by the Government of the United States of America, the Provisional Government of the French Republic, the Government of the United Kingdom of Great Britain and Northern Ireland, and the Government of the Union of Soviet Socialist Republics, for the trial and punishment of major war criminals of the European Axis. Such member may, at the direction of the Military Governor of the United States Zone of Occupation, serve on any of the several military tribunals above mentioned, which tribunals are a component part of the military occupational forces of the United States, and upon which the member designated herein shall perform active service during the period of his designation.

2. The member herein designated shall receive such compensation and allowances for expenses as may be determined by the Secretary of War and as may be payable from appropriations or funds available to the War Department for such purposes.

3. The Secretary of State, the Secretary of War, the Attorney General, and the Secretary of the Navy are authorized to provide appropriate assistance to the member herein designated in the performance of his duties and may assign or detail such personnel under their respective jurisdictions, including members of the armed forces, as may be requested for the purpose. Personnel so assigned or detailed shall receive such compensation and allowances for expenses as may be determined by the Secretary of War and as may be payable from appropriations or funds available to the War Department for such purposes, except that personnel assigned or detailed from the Navy Department shall receive such compensation and allowances for expenses to which they may be entitled by reason of their military grade and service and as may be payable from appropriations or funds available to the Navy Department for such purposes.

HARRY S. TRUMAN

THE WHITE HOUSE,
*May 15, 1947.*

[F. R. Doc. 47-4679; Filed, May 15, 1947; 10:26 a. m.]

## TITLE 6—AGRICULTURAL CREDIT

### Chapter I—Farm Credit Administration, Department of Agriculture

PART 26—THE FEDERAL LAND BANK OF ST. LOUIS

FEES

Section 26.1 *Application fees on Federal land bank and Commissioner loans,* of Title 6, Code of Federal Regulations is hereby revoked, effective March 28, 1947 (Res. of Ex. Com. Mar. 28, 1947)

Section 26.3 *Release of part security fees in connection with Federal land bank and Commissioner loans,* of Title 6, Code of Federal Regulations is hereby revoked, effective February 17, 1947 (Res. of Ex. Com. Feb. 5, 1947)

[SEAL] FEDERAL LAND BANK OF ST. LOUIS,
WALTER H. DROSTE,
*President.*

Attest:

E. B. HARRIS,
*Assistant Secretary.*

[F. R. Doc. 47-4535; Filed, May 15, 1947; 8:47 a. m.]

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FEDERAL REGISTER

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## TITLE 7—AGRICULTURE

### Chapter I—Production and Marketing Administration (Standards, Inspection, Marketing Practices)

PART 51—FRUITS, VEGETABLES AND OTHER PRODUCTS (GRADING, CERTIFICATION AND STANDARDS)

#### UNITED STATES STANDARDS FOR COMMON GREEN ONIONS [1]

Pursuant to the provisions of the Department of Agriculture Appropriation Act, 1947 (Pub. Law 422, 79th Cong., 2d Sess., approved June 22, 1946), the following United States Standards for Common Green Onions are hereby promulgated:

§ 51.289 *Common green onions*—(a) *Grades.* (1) U. S. No. 1 shall consist of green onions which are fairly well-formed, firm, young and tender, fairly clean, free from decay and from damage caused by seedstems, roots, foreign material, disease, insects, mechanical or other means. The bulbs shall be well trimmed. The tops shall be fresh, of good green color, free from damage caused by broken or bruised leaves, or by clipping. When all the tops of the onions have been evenly clipped back in accordance with good commercial practice, they shall be specified as "Clipped Tops" in connection with the grade.

(i) Unless otherwise specified, the over-all length (roots excepted) of the onions shall be not more than 24 inches nor less than 8 inches and the onions shall be not less than one-fourth of an inch or more than one inch in diameter.

(ii) *Tolerance for defects.* In order to allow for variations, other than size, incident to proper grading and handling, not more than a total of 10 percent, by count, of the onions in any lot may fail to meet the requirements of this grade, but not more than 5 percent shall be allowed for defects causing serious damage, in-

[1] These standards apply only to commonly cultivated green onions (Allium capa) and not to leeks (Allium porrum), Welch or Japanese multiplier onions (Allium fistulosum), and shallots (Allium ascalonicum).

cluding not more than 2 percent for onions affected by decay.

(iii) *Tolerance for size.* Not more than a total of 10 percent, by count, of the onions in any lot may fail to meet the requirements as to the specified length, minimum diameter or maximum diameter, but not more than 5 percent shall be allowed for any one of the requirements for size.

(2) U. S. No. 2 shall consist of green onions which are not badly misshapen, and which are fairly firm, fairly young and tender, fairly clean, free from decay and from serious damage caused by seedstems, roots, foreign material, disease, insects, mechanical or other means. The bulbs shall be fairly well trimmed. The tops shall be fresh, of fairly good green color, and free from serious damage caused by broken or bruised leaves, or by clipping. When all the tops of the onions have been evenly clipped back in accordance with good commercial practice, they shall be specified as "clipped tops" in connection with the grade.

(i) Unless otherwise specified, the over-all length (roots excepted) of the onions shall be not less than 8 inches and the onions shall be not less than one-fourth of an inch or more than one and one-half inches in diameter.

(ii) *Tolerance for defects.* In order to allow for variations, other than size, incident to proper grading and handling, not more than a total of 10 percent, by count, of the onions in any lot may fail to meet the requirements of this grade, including not more than 2 percent for onions affected by decay.

(iii) *Tolerance for size.* Not more than a total of 10 percent, by count, of the onions in any lot may fail to meet the requirements of the specified length, minimum or maximum diameter, but not more than 5 percent shall be allowed for any one of the requirements for size.

(iv) Unclassified shall consist of onions which are not graded in conformity with either of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

(b) *Size.* The following terms and definitions are provided for describing the diameters of any lot:

"Small" means less than ½ inch.
"Medium" means ½ to 1 inch, inclusive.
"Large" means over 1 inch.

(c) *Application of tolerances.* The contents of individual containers in the lot, based on sample inspection, are subject to the following limitations, provided the averages for the entire lot are within the tolerances specified:

(1) When a tolerance is 10 percent or more, individual containers in any lot shall have not more than one and one-half times the tolerance specified, except that at least one defective and one off-size specimen may be permitted in any container.

(2) When a tolerance is less than 10 percent, individual containers in any lot shall have not more than double the tolerance specified, except that at least one defective and one off-size specimen may be permitted in any container.

(d) *Definitions.* (1) "Fairly well-formed" means that the onion is not more than slightly curved, angular, crooked, lopsided or otherwise slightly misshapen.

(2) "Fairly clean" means that the appearance of the onion is not materially injured by dirt.

(3) "Damage" means any injury or defect which materially affects the appearance, or the edible or shipping quality.

(i) *Seedstems.* An onion with a seedstem shall be considered as damaged if the seedstem has been broken at a point other than at the top, or is coarse, fibrous, hollow or soft, or has separated naturally from the sheath or skin. Onions often show flower buds while the seedstem is still tender. Such onions are not objectionable if the flower buds have been removed, or if present, are not noticeably protruding; however, an onion with a seedstem which, after the flower bud has been removed, exceeds the length of the longest leaves of the plant, shall be considered as damaged.

(ii) *Clipping.* The tops of onions are sometimes clipped or pinched back to remove discolored or otherwise injured leaves. An individual plant shall not be considered as damaged when not more than the tips of all the leaves have been clipped or pinched back; or when not more than half the leaves have been clipped or pinched back to a greater extent but not to the extent that the appearance is materially injured; or when the tops of all the onions have been evenly clipped back in accordance with good commercial practice and the designation "clipped tops" is specified in connection with the grade.

(4) "Well-trimmed" means that the bulb is not broken above the point of root attachment and is practically free from dead, discolored or slick outer skins. Fresh, clean, loose skins which do not materially affect the appearance of the individual onion or the bunch are permitted.

(5) "Fresh" means that the tops are not withered or badly wilted.

(6) "Good green color" means that the tops have a normal green color characteristic of healthy plants. A slight discoloration of the extreme tips and slight scarring caused by thrips are not objectionable.

(7) "Diameter" means the greatest dimension of the onion taken at right angles to the longitudinal axis.

(8) "Not badly misshapen" means that the onion is not badly curved or crooked.

(9) "Fairly young and tender" means that the onion is not tough, stringy, or advanced to the stage where the neck is flabby.

(10) "Serious damage" means any injury or defect which seriously affects the appearance, or the edible or shipping quality.

(i) Seedstems which are excessively coarse or fibrous shall be considered as serious damage.

(ii) Badly broken or badly bruised tops shall be considered as serious damage.

(iii) Clipping. The tops of onions are sometimes clipped or pinched back to remove discolored or otherwise injured leaves. An individual plant shall not be considered as seriously damaged when not more than the tips of all the leaves have been clipped or pinched back; or when not more than half the leaves have been clipped or pinched back to a greater extent but not to the extent that the appearance is seriously injured; or when the tops of all the onions have been evenly clipped back in accordance with good commercial practice and the designation "clipped tops" is specified in connection with the grade.

(11) "Fairly well-trimmed" means that the bulb is not broken above the point of root attachment and is reasonably free from dead, discolored or slick outer skins. Fresh, fairly clean, loose skins which do not seriously affect the appearance of the individual onion or the bunch are permitted.

(12) "Fairly good green color" means that the tops are pale or yellowish green or otherwise slightly discolored.

It is hereby found and determined that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (60 Stat. 237; Pub. Law 404, 79th Cong., 2d Sess.) in connection with the issuance of these standards, is impracticable, unnecessary, and contrary to the public interests in that: (1) The standards for common green onions have been in the process of investigation since July 1946 and they have been prepared on the basis of suggestions of growers, packers, shippers and others interested in the handling of green onions; (2) the issuance of the standards, effective June 20, 1947 is necessary so that those interested in marketing green onions will have definite official standards to use as a basis of packing and selling this commodity; (3) the issuance of the standards should be accomplished as soon as possible because the seasonal shipments have begun. (Pub. Law 422, 79th Cong., Order Secy. of Agriculture, July 11, 1946, 11 F. R. 7713)

Issued at Washington, D. C., this 13th day of May 1947, to be effective on and after the 20th day of June 1947.

[SEAL] F. R. BURKE,
*Acting Assistant Administrator, Production and Marketing Administration.*

[F. R. Doc. 47-4620; Filed, May 15, 1947; 8:58 a. m.]

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# TITLE 10—ARMY: WAR DEPARTMENT

## Subtitle A—Organization, Functions, and Procedures

### PART 2—ORGANIZATION, FUNCTIONS AND PROCEDURES OF AGENCIES DEALING WITH THE PUBLIC

#### TRANSPORTATION CORPS

Pursuant to the provisions of sections 3 (a) (1) and (2) of the Administrative Procedure Act of June 11, 1946, paragraph (b) of § 2.151 is amended as follows:

1. Amend the headnote of paragraph (b) (4) to read "Management Office"
2. Delete paragraph (b) (8) pertaining to Movements Control Division.
3. Amend the headnote of paragraph (b) (11) to read "Legal Office"
4. Amend paragraph (b) (13) by deleting the period at the end of the paragraph and substituting the following clause "and exercises staff supervision over C1C activities at ports of embarkation"
5. Amend paragraph (b) (14) by changing the headnote to read "Military Planning and Intelligence Division" The paragraph is further amended by deleting the clause "and exercises staff supervision over C1C activities at ports of embarkation" which appears at the end of the paragraph.
6. Paragraph (b) (15) is amended by changing the headnote and adding subdivisions (vi) to (viii) inclusive; paragraph (b) (16) is superseded by the following:

§ 2.151 *The Transportation Corps.* * * *

(b) *Organization.* * * *

(15) *Movements Control Division.* * * *

(vi) Exercises staff supervision and control over movements of troops and other War Department passengers and all War Department-owned and controlled freight and cargo, requiring coordination between various modes of transportation, to and from overseas theaters and within the Zone of the Interior.

(vii) Coordinates and controls all vessels allocated to the War Department by the U. S. Maritime Commission or other governmental agencies and all Army-owned and chartered transports.

(viii) Coordinates and supervises all matters pertaining to the movement overseas of dependents, their household goods, baggage and automobiles.

(16) *Water Transport Service Division.* Puts into effect plans required to insure that all necessary water transportation facilities and services are provided and that vessels are satisfactorily fitted for the movement to and from overseas of personnel and cargo with which the War Department is concerned; procures, assigns and exercises staff supervision over maintenance of all harbor vessels, except those under control of the Chief of Engineers, and except the assignment of mine-laying and mine-tending vessels; recommends measures to be taken in the procurement of used vessels, and the design of new vessels; exercises staff supervision over marine repair shops and over the disposition of excess and surplus floating equipment.

(R. S. 161, Secs. 3, 12 Pub. Law 404, 79th Cong., 60 Stat. 238, 244; 5 U. S. C. and Sup. 22, 1002)

[SEAL] EDWARD F WITSELL,
*Major General,*
*The Adjutant General.*

[F. R. Doc. 47-4603; Filed, May 15, 1947; 8:47 a. m.]

# TITLE 24—HOUSING CREDIT

## Chapter VI—Federal Public Housing Authority

PART 610—LOW-RENT HOUSING AND SLUM CLEARANCE; PROCEDURES

RESERVES

Section 610.410 (a) (formerly § 601.410 (a) 10 F R. 7321) is hereby amended, effective May 24, 1947, to read as follows:

§ 610.410 *Reserves*—(a) *Reserves for repairs, maintenance, and replacements.* As of the last day of each calendar quarter (month) following the end of the initial operating period for each development, the local authority shall set aside as a reserve for repairs, maintenance, and replacements an amount equal to one-fourth (twelfth) of the estimate of average annual expense for repairs, maintenance and replacements less the actual expense incurred for repairs, maintenance and replacements for that calendar quarter (month)

The reserve thus accumulated shall remain in the custody of the Local Authority and shall be drawn upon to meet the expense of repairs, maintenance, and replacements in any calendar quarter (month) in which the actual expense exceeds one-fourth (twelfth) of the average annual estimate therefor to the full extent of such excess. Any amounts by which such excess exceeds the balance in the reserve shall be deducted from any amounts which would otherwise be set aside for reserve during the balance of that fiscal year.

(50 Stat. 888; 42 U. S. C. 1401-30)

Approved: May 12, 1947.

[SEAL] D. S. MYER,
*Commissioner*

[F. R. Doc. 47-4586; Filed, May 15, 1947; 8:47 a. m.]

# TITLE 32—NATIONAL DEFENSE

## Chapter VIII—Office of International Trade, Department of Commerce

Subchapter B—Export Control

[Amdt. 333]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is amended as follows:

The list of commodities set forth in paragraph (b) is amended by deleting therefrom the following commodities:

| *Dept. of Comm. Sched. B No.* | *Commodity* |
|---|---|
| | Drugs, herbs, leaves and roots, crude: |
| 220988 | Colchicum corm. |
| | Medicinal and pharmaceutical preparations: |
| 813590 | Colchicine. |

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F R. 12245)

Dated: May 6, 1947.

FRANCIS MCINTYRE,
*Deputy Director for Export Control, Commodities Branch.*

[F. R. Doc. 47-4604; Filed, May 15, 1947; 8:47 a. m.]

[Amdt. 334]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is amended as follows:

The list of commodities set forth in paragraph (b) is amended by deleting therefrom the following commodities:

| *Dept. of Comm. Sched. B No.* | *Commodity* |
|---|---|
| | Vegetable oils and fats, inedible: |
| 224910 | Tung oil. |
| 224998 | Other expressed oils (except essential), and fats, inedible except babassu nut oil and sesame oil. |

(Sec. 6, 54 Stat. 714; 55 Stat. 206; 56 Stat. 463; 58 Stat. 671, 59 Stat. 270; 60 Stat. 215; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F R. 12245)

Dated: May 12, 1947.

FRANCIS MCINTYRE,
*Deputy Director for Export Control, Commodities Branch.*

[F. R. Doc. 47-4605; Filed, May 15, 1947; 8:47 a. m.]

## Chapter XXIV—Department of State, Disposal of Surplus Property

[Dept. Reg. 108.46; FLC Reg. 8, Order 6, Supp. 1]

PART 8508—DISPOSAL OF SURPLUS PROPERTY LOCATED IN FOREIGN AREAS

IMPORTATION INTO UNITED STATES OF SURPLUS PROPERTY LOCATED IN FOREIGN AREAS

The President has designated the following item of surplus property as being in critically short supply and urgently needed for reconversion in the United States. In accordance with the provisions of Regulation 8, Order 6 (Departmental Regulation 108.44, 12 F R. 2521), *It is hereby ordered,* That § 8508.15 shall not apply to prevent the importation of the following item of surplus property if in transit to a point in the United States on or before October 1, 1947:

Day passenger boats, under 3,000 tons: suitable for use only in inland waterways and sheltered ocean.

This item is hereby added to Schedule A of Order 6.

This order shall become effective immediately upon publication in the FEDERAL REGISTER.

(58 Stat. 765, 59 Stat. 533, Pub. Law 375, 79th Cong., 60 Stat. 168, Pub. Law 584,

79th Cong., 60 Stat. 754; 50 U. S. C. App. Supp., 1611–46)

Approved: May 12, 1947.

[SEAL] G. C. MARSHALL,
*Secretary of State.*

[F. R. Doc. 47-4606; Filed, May 15, 1947; 9:18 a. m.]

# TITLE 42—PUBLIC HEALTH

## Chapter I—Public Health Service, Federal Security Agency

### PART 9—GRANTS TO STATES FOR PUBLIC HEALTH SERVICES

Sec.


9.1 Definitions.
9.2 Allotments; extent of health problems.
9.3 Basis of allotments.
9.4 Allotments; estimates; time of making; duration.
9.5 State plans; submission and amendments.
9.6 State plans; contents.
9.7 State plans; time of submission and approval.
9.8 Payments to States.
9.9 Required expenditure of State and local funds.
9.10 Required administrative standard; State plans; expenditures.
9.11 Required administrative standard; State plans; health services.
9.12 Required administrative standard; State plans; personnel administration on a merit basis.
9.13 Required administrative standard; State plans; training of personnel.
9.14 Required administrative standard; fiscal affairs.
9.15 Required administrative standard; required information; reports when due; audits.
9.16 Effective date; prior regulations superseded.


AUTHORITY: §§ 9.1 to 9.16, inclusive, issued under secs. 2, 215, 314, 58 Stat. 682, 690, 693, as amended by 60 Stat. 421, 424; 42 U. S. C., Supp. 201, 216, 246.

§ 9.1 *Definitions.* As used in this part:

(a) "Act" means the Public Health Service Act approved July 1, 1944, 58 Stat. 682, as amended.

(b) "Exception" means the amount of Federal funds expended contrary to this part or the State plan.

(c) "Federal funds" means funds appropriated by Congress for carrying out the purposes of section 314 of the act.

(d) "Financial need" as applied to any State means the relative per capita income as shown by data, supplied by the Bureau of Foreign and Domestic Commerce for the most recent five-year period, available on January 1, preceding the fiscal year for which Federal funds are appropriated.

(e) "General health purposes" means the establishment and maintenance of public health services within the meaning of subsection (c) of section 314 of the act.

(f) "Official forms" means forms and instructions supplied by the Public Health Service to the State health authority for use in the submittal of State plans or information required with respect to the operation of such plans.

(g) "Political subdivision" includes counties, health districts, municipalities, and other subdivisions of the State established for governmental purposes.

(h) "Population" as applied to any State or political subdivision, means the total population thereof according to the most recent Federal Census for which figures are available on January 1, preceding the fiscal year for which Federal funds are appropriated.

(i) "Public Health Service" means the Public Health Service in the Federal Security Agency.

(j) "State" includes any State, the District of Columbia, Hawaii, Alaska, Puerto Rico, or the Virgin Islands.

(k) "State plan" refers to the information and proposals, including budgets, submitted by the State health authority pursuant to the regulations in this part for activities of the State and political subdivisions thereof for (1) the prevention, treatment and control of venereal disease, (2) the prevention, treatment and control of tuberculosis, (3) establishing and maintaining adequate public health services, or (4) the prevention, treatment, and control of mental illness, including emotional, psychiatric and neurological disorders.

(l) Insofar as the regulations in this part relate to the State mental health program, "State health authority" means, in the case of any State in which there is a single State agency other than the State health authority charged with responsibility for administering such program, the State mental health authority.

§ 9.2 *Allotments; extent of health problems.* For the purpose of making allotments to the several States:

(a) *Venereal disease.* The extent of the venereal disease problem shall be determined by the Surgeon General taking into consideration such factors as:

(1) The varying composite and racial prevalence rates for syphilis;

(2) The extent to which treatment facilities have been provided as evidenced by the population under treatment for syphilis;

(3) The total number of syphilis patients brought to treatment in the primary or secondary stages during the previous year;

(4) The varying costs of providing equal services as determined by the inverse function of the syphilitic density, and the direct function of the size of the population of each State;

(5) The need for training centers and demonstrations in selected areas;

(6) The need for facilities for the prevention and control of venereal diseases in localities where there is an unusual concentration of population.

(b) *Tuberculosis.* The extent of the tuberculosis problem shall be determined by the Surgeon General taking into consideration such factors as:

(1) The morbidity of the disease;

(2) The mortality attributed to the disease;

(3) The relative need among the States of facilities for diagnosis and treatment of tuberculous persons.

(c) *Special health problems.* The extent of special health problems shall be determined by the Surgeon General taking into consideration such factors as:

(1) The ratio which the mean annual number of deaths in each State from all causes except cancer, tuberculosis, venereal disease, suicides, homicides, accidents, and maternal and infant deaths, bears to the total mortality in the United States from the same group of causes, as shown by the most recent mortality statistics;

(2) Special conditions which create unequal burdens in the administration of equal public health services among the States indicated by the relative population density as shown by the most recent Bureau of Census population census;

(3) The ratio which the number of persons engaged in hazardous industry in each State bears to the total number of persons engaged in hazardous industry based upon the 1940 labor force as shown by the 1940 Labor Force of the Bureau of the Census.

(d) *Mental health.* The extent of the mental health problem shall be determined by the Surgeon General, taking into consideration such factors as:

(1) The prevalence of emotional and psychiatric disorders affecting mental health;

(2) The relative need among the States for clinics for diagnosis and treatment of mentally ill persons.

§ 9.3 *Basis of allotments.* Of the total sum determined to be available for each fiscal year for allotment to the several States for the purposes of subsections (a) (b) and (c) of section 314 of the act, allotments to the several States shall be made as follows:

(a) *Venereal disease.* Of the amount available for allotment for venereal disease control programs:

From 20 percent to 40 percent, on the basis of population, weighted by financial need.
From 60 percent to 80 percent, on the basis of the extent of the venereal disease problem.

(b) *Tuberculosis.* Of the amount available for allotment for tuberculosis control programs:

From 20 percent to 40 percent, on the basis of population weighted by financial need.
From 60 percent to 80 percent, on the basis of the extent of the tuberculosis problem.

(c) *General health purposes.* Of the amount available for allotment for general health purposes other than for mental health:

From 40 percent to 60 percent, on the basis of population, weighted by financial need.
From 40 percent to 60 percent, on the basis of the extent of special health problems.

(d) *Mental health.* Of the amount available for allotment for mental health programs:

From 20 percent to 40 percent, on the basis of population weighted by financial need.
From 60 percent to 80 percent, on the basis of the extent of the mental health problem.

§ 9.4 *Allotments; estimates; time of making; duration.* (a) For each fiscal year, the Surgeon General shall, with the approval of the Administrator, determine the amount of the appropriation for each program which shall be available for allotment among the several States.

(b) Prior to the beginning of each fiscal year the Surgeon General shall prepare and make available to the States an esti-

mated schedule of the amounts which it is expected will be allotted to each State during the fiscal year from estimated appropriations.

(c) Allotments for each program for the first quarter shall be made prior to the beginning of such quarter or as soon thereafter as practicable, and shall equal not less than 30 percent nor more than 40 percent of the total sum determined to be available for allotment during that fiscal year. At the end of the first quarter, the amounts of such allotments which have not been certified for payment to the respective States pursuant to § 9.8 shall become available for allotment among the States in the same manner as moneys which had not previously been allotted.

(d) Allotments for each program for the remaining nine months shall be made prior to the beginning of the second quarter or as soon thereafter as practicable, and shall equal the total sum remaining unpaid and unallotted from the amount available for allotment during the fiscal year.

(e) The Secretary of the Treasury and the respective State health authorities shall be notified of the amounts of allotments and of the period for which they are made.

§ 9.5 *State plans; submission and amendments.* (a) Each State making application for grants under section 314 of the act shall submit plans through its State health authority for each fiscal year for carrying out the purposes of such section. A State making application for Federal funds for more than one of the purposes authorized by section 314 of the act may consolidate its plan: *Provided,* That the information specifically required for a State plan is distinguished with respect to each purpose.

(b) The State plan and amendments thereto shall be prepared in accordance with official forms supplied by the Public Health Service for the purpose.

(c) The State plan may be amended with the approval of the Surgeon General. Amendments shall state the period they are to be in effect.

§ 9.6 *State plans; contents.* A State plan with respect to any program shall consist of two parts:

(a) Part I shall describe the current organization and functions of health services for the program and the proposals of the State health authority for extending, improving, and otherwise modifying such organization and functions. It shall include a description of the services, and a statement that the plan if approved will be carried out as described and in accordance with the regulations prescribed under section 314 of the act.

(b) Part II shall consist of proposed budgets for carrying out the activities described in Part I, and shall specify the period for which such budgets are submitted.

§ 9.7 *State plans; time of submission and approval.* (a) Parts I and II of a plan (the former in duplicate, the latter in triplicate) shall be submitted at least 45 days prior to the beginning of the Federal fiscal year to which the plan relates.

(b) Review and approval of Part I shall precede review and approval of Part II. Part II of a plan shall not be approved unless each item thereof relates to activities specifically described in Part I.

Part II of a plan shall not be approved for any period antedating receipt of such part by the Public Health Service, except that in the event of epidemics or similar emergency, involving expenditures not capable of prediction, telegraphic requests for approval of emergency expenditures may be tentatively approved pending submission of necessary amendments to Parts I and II (and justification thereof) at a later date prescribed at the time of such tentative approval.

§ 9.8 *Payments to States.* Payments from allotments to a State having an approved plan shall not exceed the allotment to such State or the total estimated expenditure necessary for carrying out the State plan whichever is less.

Subject to the foregoing limitations, payments shall be made as follows:

(a) For the first quarter two payments shall be made from the allotment for such quarter. The first payment shall equal 45 percent of the amount allotted to each State for that quarter. The second payment shall be the amount of the difference between the unpaid balance of the allotment of the respective State and the unencumbered cash balance of the respective fund in the State treasury at the beginning of the first quarter, adjusted for exceptions.

(b) Payment for subsequent quarters from the allotments for the final third quarter period shall be made once in each quarter and shall be based upon an application for funds showing the estimated requirements for such quarter and the estimated unencumbered balance of the respective fund in the State treasury at the beginning of the quarter for which payment is to be made. All such payments shall be in the amount of the difference between the estimated requirement and the estimated unencumbered cash balance adjusted for exceptions, except that the amount paid together with such estimated unencumbered balance shall not exceed 35 percent of the total amount available to the State for the year.

Except with respect to the first payment in the first quarter, payments from allotments shall not be certified unless all reports and documents prescribed by the regulations in this part to be due have been received. Payments subsequent to such first payment shall not be made until an application for the payment has been received.

§ 9.9 *Required expenditure of State and local funds.* (a) Moneys paid to any State pursuant to section 314 of the act shall be paid upon the condition that there be expended in the State, during the fiscal year for which payment is made and for purposes specified in the State plan with respect to which the payment is made, public funds of the State and its political subdivisions (excluding any funds derived by loan or grant from the United States) in amounts determined as follows:

(1) With respect to payments for a venereal disease control program, an amount equal to 50 percent of the amount of Federal funds to be expended pursuant to the State plan.

(2) With respect to payments for a tuberculosis control program, an amount equal to the amount of Federal funds to be expended pursuant to the State plan.

(3) With respect to payments for a general health program other than the mental health program, an amount equal to 50 percent of the amount of Federal funds to be expended pursuant to the State plan.

(4) With respect to payments for a mental health program, an amount equal to 50 percent of the amount of Federal funds to be expended pursuant to the State plan.

The expenditures required for any one of the above programs shall be additional to the expenditures required for other programs.

(b) Federal funds paid to a State shall not be used to conserve State and local funds.

§ 9.10 *Required administrative standard, State plans; expenditures.* (a) Federal funds paid to a State shall be expended solely for the purposes specified in plans approved by the Surgeon General and in accordance with the regulations in this part.

(b) State laws and regulations governing the custody and disbursement of State funds shall govern the custody and disbursement of Federal funds paid to the State, subject to such modification as may be determined by the Surgeon General.

§ 9.11 *Required administrative standard, State plans; health services.* The State plan shall provide for health services in substantial accordance with nationally accepted standards. Compliance with standards of performance by health agencies receiving Federal funds shall be evaluated on the basis of criteria prescribed by the Surgeon General.

§ 9.12 *Required administrative standards; State plans; personnel administration on a merit basis.* A system of personnel administration on a merit basis shall be established and maintained for personnel employed in programs, the budgets of which provide for the expenditure of Federal funds or of State funds for matching purposes. Standards for evaluating compliance with this requirement shall be contained in "Merit System Policies of the Public Health Service" in effect at the time of the expenditure.

§ 9.13 *Required administrative standards; State plans; training of personnel.* Use of Federal funds for training personnel for State and local health work shall be authorized by the State health authority in accordance with "Minimum Standards for Sponsored Training of the Public Health Service." Records of authorized training shall be maintained in State health departments and shall be audited for compliance with these standards.

§ 9.14 *Required administrative standards; fiscal affairs.* (a) A separate and distinct fund account shall be maintained for each fund of Federal moneys by the principal State accounting officer.

(b) An efficient method for the conduct of fiscal affairs (including financial and property controls) shall be established and maintained with respect to State and local public health agencies receiving financial assistance through grants pursuant to the regulations in this part.

§ 9.15 *Required administrative standards; required information; reports when due; audits.* (a) The Surgeon General may require the submission of information pertinent to the operation of the State plans and to the purpose of the grants, including the following:

(1) A certification on an official form as to the amount of State and local funds available for carrying out the State plan shall be due in duplicate within 90 days after the beginning of the fiscal year.

(2) A statement on an official form showing the distribution of all funds by functional activities for the next fiscal year and estimates of need for the second year following shall be due in duplicate on May 15 of each year.

(3) Quarterly reports on official forms showing total receipts, expenditures, unliquidated encumberances and balances of Federal funds, and total quarterly expenditures from Federal grants and other sources for each budget shall be due in duplicate 45 days after the close of the quarter

(4) A detailed annual report on an official form showing expenditures for each budget and item for the preceding fiscal year shall be due in duplicate on October 1, of each year.

(5) A report on an official form showing personnel, facilities and services for each local health organization included in the current State plan shall be due in duplicate on September 15, of each year.

(6) The following reports on official forms shall be submitted with respect to venereal disease activities within 45 days after the close of the period to which they pertain:

(i) A quarterly report on laboratory activities, drug distribution and fees to private physicians.

(ii) A quarterly activity report for each cooperative health unit or a summary of such activities by the State health authority.

(iii) A quarterly morbidity report, with separate report by each city of 200,000 population or over.

(7) The following reports on official forms shall be submitted with respect to tuberculosis control activities within 45 days after the close of the period to which they pertain:

(i) A semiannual report on mass chest surveys, and tuberculosis morbidity, and mortality, with separate report for cities of 500,000 population or over.

(ii) An annual report on clinic and nursing services.

(b) Audit of the activities and programs described in the State plan may be made after prior consultation with the State health authority. Records, documents, and information available to the State health authority pertinent to the audit shall be accessible for purposes of audit.

§ 9.16 *Effective date; prior regulations superseded.* The regulations in this part, which shall become effective upon the date of their publication in the FEDERAL REGISTER, shall apply for the fiscal year 1948 and thereafter, and with respect to the fiscal year 1948 and thereafter, shall supersede the regulations heretofore contained in this part.

Dated: May 12, 1947.

[SEAL] THOMAS PARRAN,
*Surgeon General.*
MAURICE COLLINS,
*Acting Federal Security Administrator.*

[F. R. Doc. 47-4584; Filed, May 15, 1947; 8:47 a. m.]

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## PART 12—INTERSTATE QUARANTINE

Notice of proposed rule making having been published (11 F. R. 9369) and consideration having been given to all relevant matter presented, the following regulations are prescribed to prevent the introduction, transmission and spread of communicable diseases from one State or possession to another State or possession insofar as such introduction, transmission and spread of communicable diseases may result from the interstate movement of persons or things, and may be prevented by inspection, disinfection, sanitation, pest extermination, travel and transportation restrictions, refrigeration, destruction of animals and things, and related measures. The regulations are prescribed under section 361 of the Public Health Service Act of 1944 and supersede §§ 12.1 to 12.47, Title 42, Code of Federal Regulation, as amended February 6, 1946 (11 F R. 1406).

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AUTHORITY: §§ 12.1 to 12.204, inclusive, issued under 58 Stat. 703; 42 U. S. C. Supp. 264.

CROSS REFERENCE: Regulations of the Public Health Service relating to foreign quarantine: See Public Health Service, Federal Security Agency, 42 CFR, Chapter I, Part 11.

SUBPART A—DEFINITIONS AND GENERAL PROVISIONS

§ 12.1 *General definitions.* As used in this part, terms shall have the following meaning:

(a) *Bactericidal treatment.* The application of any method or substance for the destruction of pathogens and other organisms.

(b) *Communicable diseases.* Any of the diseases enumerated in § 12.2 unless otherwise specified.

(c) *Communicable period.* The period or periods during which the etiologic agent may be transferred directly or indirectly from the body of the infected person or animal to the body of another.

(d) *Contamination.* The presence of a certain amount of undesirable substance or material, which may contain pathogenic micro-organisms.

(e) *Conveyance.* Conveyance means any land or air carrier, or any vessel as defined in § 12.1 (o)

(f) *Existing vessel.* Any vessel the construction of which was started prior to the effective date of the regulations in this part.

(g) *Garbage.* (1) The solid animal and vegetable waste, together with the natural moisture content, resulting from the handling, preparation, or consumption of foods in houses, restaurants, hotels, kitchens, and similar establishments, or (2) any other food waste containing pork.

(h) *Incubation period.* The period between the implanting of disease organisms in a susceptible person and the appearance of clinical manifestation of the disease.

(i) *Interstate traffic.* The movement of any conveyance, or the transportation of any persons or property, which are moving or are being moved from any State or possession to any other State or possession, or between points in the same State or possession but through any State or possession or any foreign country, including any portion of such movement or transportation which is entirely within a State or possession.

(j) *Minimum heat treatment.* The causing of all particles in garbage to be heated to a boiling temperature and held at that temperature for a period of not less than 30 minutes.

(k) *Possession.* Any of the possessions of the United States, including Puerto Rico and the Virgin Islands.

(l) *Potable water* Water which meets the standards prescribed in the Public Health Service Drinking Water Standards (See Subpart J, §§ 12.201 to 12.204, inclusive)

(m) *State.* Any State, the District of Columbia, Hawaii, Alaska, Puerto Rico, and the Virgin Islands.

(n) *Utensil.* Includes any kitchenware, tableware, glassware, cutlery, containers, or equipment with which food or drink comes in contact during storage, preparation, or serving.

(o) *Vessel.* Any passenger-carrying, cargo, or towing vessel exclusive of:

(1) Fishing boats including those used for shellfishing;

(2) Tugs which operate only locally in specific harbors and adjacent waters other than potable water boats;

(3) Barges without means of self-propulsion;

(4) Construction-equipment boats and dredges; and

(5) Sand and gravel dredging and handling boats.

(p) *Wash water.* See § 12.118 (a)

(q) *Watering point.* The specific place where potable water is loaded on a conveyance.

§ 12.2 *List of communicable diseases.* For the purposes of this part, the following shall be considered as communicable diseases: Anthrax; chancroid, cholera, dengue, diphtheria, granuloma inguinale, infectious encephalitis, favus, gonorrhea, lymphogranuloma venereum, meningococcus meningitis, plague, poliomyelitis, psittacosis, ringworm of the scalp, scarlet fever, streptococcic sore throat, smallpox, syphilis, trachoma, tuberculosis, typhoid fever, typhus, and yellow fever. (See Executive Order No. 9708, March 28, 1946, 11 F R. 3241.)

§ 12.3 *Measures in the event of inadequate local control.* Whenever the Surgeon General determines that the measures taken by health authorities of any State or possession (including political subdivisions thereof) are insufficient to prevent the spread of any of the communicable diseases from such State or possession to any other State or possession, he may take such measures to prevent such spread of the diseases as he deems reasonably necessary, including inspection, fumigation, disinfection, sanitation, pest extermination, and destruction of animals or articles believed to be sources of infection.

SUBPART B—RESTRICTIONS ON TRAVEL OF PERSONS

§ 12.11 *All communicable diseases.* A person who has a communicable disease in the communicable period shall not travel from one State or possession to another without a permit from the health officer of the State, possession, or locality of destination, if such permit is required under the law applicable to the place of destination. Stop-overs other than those necessary for transportation connections shall be considered as places of destination.

§ 12.12 *Certain communicable diseases; special requirements.* The following provisions are applicable with respect to any person who is in the communicable period of cholera, plague, smallpox, typhus or yellow fever, or who, having been exposed to any such disease, is in the incubation period thereof:

(a) *Requirements relating to travelers.* (1) No such person shall travel from one State or possession to another, or on a conveyance engaged in interstate traffic, without a written permit of the Surgeon General or his authorized representative.

(2) Application for a permit may be made directly to the Surgeon General or to his representative authorized to issue permits.

(3) Upon receipt of an application, the Surgeon General or his authorized representative shall, taking into consideration the risk of introduction, transmission, or spread of the disease from one State or possession to another, reject it, or issue a permit which may be conditioned upon compliance with such precautionary measures as he shall prescribe.

(4) A person to whom a permit has been issued shall retain it in his possession throughout the course of his authorized travel and comply with all conditions prescribed therein, including presentation of the permit to the operators of conveyances as required by its terms.

(b) *Requirements relating to operation of conveyances.* (1) The operator of any conveyance engaged in interstate traffic shall not knowingly (i) accept for transportation any person who fails to present a permit as required by paragraph (a) of this section, or (ii) transport any person in violation of conditions prescribed in his permit.

(2) Whenever a person subject to the provisions of this section is transported on a conveyance engaged in interstate traffic, the operator thereof shall take such measures to prevent the spread of the disease, including submission of the conveyance to inspection, disinfection and the like, as an officer of the Public Health Service designated by the Surgeon General for such purposes deems reasonably necessary and directs.

§ 12.13 *Responsibility with respect to minors, wards, and patients.* A parent, guardian, physician, nurse, or other such person shall not transport, or procure or furnish transportation for, any minor child or ward, patient or other such person who is in the communicable period of a communicable disease, except in accordance with provisions of this subpart.

§ 12.14 *Members of military and naval forces.* The provisions of this subpart shall not apply to members of the military or naval forces, and medical care or hospital beneficiaries of the Army, Navy, Veterans' Administration, or Public Health Service, when traveling under competent orders, provided that in the case of persons otherwise subject to the provisions of § 12.12 the authority authorizing the travel requires precautions to prevent the possible transmission of infection to others during the travel period.

§ 12.15 *Report of disease.* The master of any vessel or person in charge of any conveyance engaged in interstate traffic, on which a case or suspected case of a communicable disease develops shall, as soon as practicable, notify the local health authority at the next port of call, station, or stop, and shall take such measures to prevent the spread of the disease as the local health authority directs.

SUBPART C—SHIPMENT OF CERTAIN THINGS

§ 12.21 *Lather brushes.* A person shall not offer for transportation, or knowingly transport, in interstate traffic, lather brushes made from animal hair or bristles, unless:

(a) Such brushes have been imported in compliance with the provisions of § 11.151 of this chapter, or

(b) Such brushes have been manufactured in the United States, its territories, or possessions, and the hair or bristles have been sterilized in accordance with the procedures outlined below in a plant or plants certified by the Surgeon General. The manufacturer shall obtain from the Surgeon General a certificate stating that the plant or plants have been inspected by a representative of the Sur-

geon General and the equipment and procedures for sterilization have been found satisfactory. Such certificate shall expire at the end of the calendar year for which issued.

(1) Sterilization of hair or bristles used in the manufacture of lather brushes shall be accomplished by exposure to steam under pressure at a minimum temperature of 250° F for 25 minutes provided the length of the bundles is five inches or less, or 250° F. for 30 minutes if the length of the bundles is more than five inches and less than 25 inches. The steam temperature shall be measured at a point in the exhaust line where it leaves the autoclave by both an indicating thermometer and a recording thermometer of design and accuracy approved by the Surgeon General. The temperature shown by the recording thermometer shall be checked by the autoclave operator against the temperature shown by the indicating thermometer, and the reading of the indicating thermometer entered permanently on the recording thermometer chart for each sterilization. The recording thermometer shall be kept adjusted so as at no time to read higher than the indicating thermometer. Hair or bristles during the process of sterilization in the autoclave may be: Tied in unwrapped bundles, the maximum diameter of which does not exceed two and one-half inches; tied in paper-wrapped bundles not exceeding two and one-half inches in diameter provided the ends are left open to permit easy access of steam into the bundles; or placed untied in the autoclave in a manner approved by the Surgeon General. The compactness shall be such as to permit easy access of steam into the bundles. Bundles of hair or bristles shall be placed in racks in the autoclave in single layers, and successive layers shall not be in contact.

(2) In lieu of the procedure given in subparagraph (1) of this paragraph the following sterilization method may be used for badger hair: Boiling in water for three hours, the hair being placed loose in racks or in loosely tied bundles not exceeding two and one-half inches in maximum diameter with an indicating thermometer available for observing the temperature of the water during the sterilization. At the beginning of boiling and at hourly intervals thereafter the temperature of the water shall be taken, and time and temperature shall be noted in a record book for each sterilization.

(3) Sterilized hair and bristles shall be stored in clean containers apart from unsterilized hair and bristles and the lot of hair or bristles from each sterilization labeled with the date, method of sterilization used, and the name and location of the establishment in which sterilized. Permanent records of this information, the recording thermometer charts for each steam sterilization, and the time-temperature record of each boiling sterilization shall be kept.

(4) Mixing machines, equipment, and fixtures used for handling or processing sterilized hair or bristles shall not be used for handling or processing hair or bristles which have not been sterilized.

(5) All shaving or lather brushes shall be marked permanently with the name of the manufacturer or with an identifying mark registered with the Surgeon General.

§ 12.22 *Psittacine birds.* (2) The term psittacine birds shall include all birds commonly known as parrots, amazons, Mexican double heads, parakeets, African grays, cockatoos, macaws, love birds, lories, lorikeets, and all other birds of the psittacine family.

(b) A person shall not offer for transportation, or transport, in interstate traffic any psittacine bird unless:

(1) The shipment is destined to a zoological park or research institute, and the shipment is accompanied by a permit from the State health department of the State of destination (where required) or

(2) The shipment does not exceed two birds, the birds are accompanied by the owner, have been in his possession for the preceding two years, have not had contact with other psittacine birds during that period, will be transported immediately to the owner's private residence and retained there as household pets, and are accompanied by a permit from the State health department of the State of destination (where required)

§ 12.23 *Garbage.* (a) A person shall not transport, receive, or cause to be transported or received, garbage in interstate traffic and feed such garbage to swine unless, prior to the feeding, such garbage has received minimum heat treatment.

(b) A person transporting garbage in interstate traffic shall not make, or agree to make, delivery thereof to any person with knowledge of the intent or customary practice of such person to feed to swine garbage which has not been subjected to minimum heat treatment.

SUBPART D—POTABLE WATER: SOURCE AND USE

§ 12.101 *Water for drinking and culinary purposes: general requirement.* Only potable water shall be provided for drinking and culinary purposes by any operator of a conveyance engaged in interstate traffic, except as provided in § 12.115 (b) Such water either shall have been obtained from watering points approved by the Surgeon General, or shall have been subjected to treatment approved by the Surgeon General.

§ 12.102 *Approval of watering points.* (a) The Surgeon General shall approve any watering point if (1) the water supply thereat meets the standards prescribed in the Drinking Water Standards (see Subpart J) and (2) the methods of and facilities for delivery of such water to the conveyance and the sanitary conditions surrounding such delivery prevent the introduction, transmission, or spread of communicable diseases.

(b) The Surgeon General may base his approval or disapproval of a watering point upon investigations made by representatives of State departments of health or of the health authorities of contiguous foreign nations.

(c) If a watering point has not been approved, the Surgeon General may permit its temporary use under such conditions as, in his judgment, are necessary to prevent the introduction, transmission, or spread of communicable diseases.

(d) Upon request of the Surgeon General, operators of conveyances shall provide information as to watering points used by them.

§ 12.103 *Approval of treatment.* (a) The treatment of water shall be approved by the Surgeon General if the apparatus used is of such design and is so operated as to be capable of producing, and in fact does produce, potable water.

(b) The Surgeon General may base his approval or disapproval of the treatment of water upon investigations made by representatives of State departments of health or of the health authorities of contiguous foreign nations.

(c) Overboard water treated on vessels shall be from areas relatively free of contamination and pollution.

§ 12.104 *Sanitation of water boats.* No vessel engaged in interstate traffic shall obtain water for drinking and culinary purposes from any water boat unless the tanks, piping, and other appurtenances used by the water boat in the loading, transportation, and delivery of such drinking and culinary water, have been approved by the Surgeon General.

§ 12.105 *Protection of pier water system.* No vessel engaged in interstate traffic shall make a connection between its non-potable water system and any pier potable water system unless provisions are made to prevent backflow from the vessel to the pier.

SUBPART E—VESSELS: SANITATION FACILITIES AND CONDITIONS

§ 12.111 *Applicability.* The sanitation facilities and the sanitary conditions on vessels engaged in interstate traffic shall comply with the requirements prescribed in this subpart, provided that no major structural change will be required on existing vessels.

§ 12.112 *Inspection.* The Surgeon General may inspect such vessels to determine compliance with these requirements.

§ 12.113 *Potable water systems.* The following conditions must be met by vessel water systems used for the storage and distribution of water which has met the requirements of § 12.101:

(a) The potable water system, including filling hose and lines, pumps, tanks, and distributing pipes, shall be separate and distinct from other water systems and shall be used for no other purposes.

(b) All potable water tanks shall be independent of any tanks holding non-potable water or other liquid. All potable water tanks shall be independent of the shell of the ship unless (1) the bottom of the tank is at least two feet above the maximum load water line, (2) the seams in the shell are continuously welded, and (3) there are no rivets in that part of the shell which forms a side of a tank. A deck may be used as the top of a tank provided there are no access or inspection openings or rivets therein, and the seams are continuously welded. No toilet or urinal shall be in-

stalled immediately above that part of the deck which forms the top of a tank. All potable water tanks shall be located at a sufficient height above the bilge to allow for draining and to prevent submergence in bilge water.

(c) Each potable water tank shall be provided with a manhole, overflow, vent, and means of drainage and these, together with any device for determining depth of water, shall be so constructed as to prevent entrance into the tank of any contaminating substance or liquid. No deck or sanitary drain or pipe carrying any non-potable water (other than steam) or liquid shall pass through the tank or directly over a manhole of the tank.

(d) Tanks and piping shall bear clear marks of identification.

(e) There shall be no backflow or cross connection between potable water systems and any other systems. Pipes and fittings conveying potable water to any fixture, apparatus, or equipment shall be installed in such way that backflow will be prevented. Waste pipes from any part of the potable water system, including treatment devices, discharging to a drain, shall be suitably protected against backflow.

(f) Water systems shall be cleaned, disinfected, and flushed whenever the Surgeon General shall find such treatment necessary to prevent the introduction, transmission, or spread of communicable diseases.

§ 12.114 *Storage of water prior to treatment.* The following requirements with respect to the storage of water on vessels prior to treatment must be met in order to obtain approval of treatment facilities under § 12.103:

(a) The tank, whether independent or formed by the skin of the ship, deck, tank top, or partitions common with other tanks, shall be free of apparent leakage.

(b) No sanitary drain shall pass through the tank.

(c) The tank shall be adequately protected against both the backflow and discharge into it of bilge or highly contaminated water.

§ 12.115 *Water in galleys and medical care spaces.* (a) Potable water, hot and cold, shall be available in the galley and pantry except that, when potable water storage is inadequate, non-potable water may be piped to the galley for deck washing and in connection with garbage disposal. Any tap discharging non-potable water which is installed for deck washing purposes shall not be more than 18 inches above the deck and shall be distinctly marked "For deck washing only"

(b) In the case of existing vessels on which heat treated wash water has been used for the washing of utensils prior to the effective date of the regulations in this part, such water may continue to be so used provided controls are employed to insure the heating of all water to at least 170° F before discharge from the heater.

(c) Potable water, hot and cold, shall be available in medical care spaces for hand-washing and for medical care purposes excluding hydrotherapy.

§ 12.116 *Water for making ice.* Only potable water shall be piped into a freezer for making ice for drinking and culinary purposes.

§ 12.117 *Drinking fountains and coolers; ice.* (a) Drinking fountains and coolers shall be constructed of impervious, non-oxidizing material, and shall be so designed and constructed as to be easily cleaned and protected against backflow. The jet of a drinking fountain shall be slating and the orifice of the jet shall be protected by a guard in such a manner as to prevent contamination thereof by droppings from the mouth or by splashing from the basin. The orifice of such a jet shall be located at least ½ inch above the rim of the basin.

(b) Ice shall not be permitted to come in contact with water in coolers or constant temperature bottles.

§ 12.118 *Wash water.* (a) Wash water means water suitable for domestic uses other than for drinking and culinary purposes, and medical care purposes excluding hydrotherapy.

(b) Where wash water systems installed on vessels do not comply with the requirements of a potable water system, prescribed in § 12.113, they shall be constructed so as to minimize the possibility of the water therein being contaminated. The storage tanks shall comply with the requirements of § 12.114, and the distribution system shall not be cross connected to a system carrying water of a lower sanitary quality. All faucets shall be labeled "Unfit for drinking."

§ 12.119 *Swimming pools.* (a) Fill and draw swimming pools shall not be installed or used.

(b) Swimming pools of the recirculation type shall be equipped so as to provide complete circulation, replacement, and filtration of the water in the pool every six hours or less. Suitable means of chlorination and, if necessary other treatment of the water shall be provided to maintain the residual chlorine in the pool water at not less than 0.4 part per million and the pH (a measure of the hydrogen ion concentration) not less than 7.0.

(c) Flowing-through type of salt water pools shall be so operated that complete circulation and replacement of the water in the pool will be effected every six hours or less. The water delivery pipe to the pool shall be independent of all other pipes and shall originate at a point where maximum flushing of the pump and pipe line is effected after leaving polluted waters.

§ 12.120 *Toilets and lavatories.* Toilet and lavatory equipment and spaces shall be maintained in a clean condition.

§ 12.121 *Discharge of wastes.* Vessels operating on fresh water lakes or rivers shall not discharge sewage, or ballast or bilge water, within such areas adjacent to domestic water intakes as are designated by the Surgeon General.

§ 12.122 *Insect control.* Vessels shall be maintained free of infestation by flies, mosquitoes, fleas, lice, and other insects known to be vectors in the transmission of communicable diseases, through the use of screening, insecticides, and other generally accepted methods of insect control.

§ 12.123 *Rodent control.* Vessels shall be maintained free of rodent infestation through the use of traps, poisons, and other generally accepted methods of rodent control.

### SUBPART F—LAND AND AIR CONVEYANCES: SERVICING AREAS

§ 12.131 *Applicability.* Land and air conveyance engaged in interstate traffic shall use only such servicing areas within the United States as have been approved by the Surgeon General as being in compliance with the requirements prescribed in this subpart.

§ 12.132 *Inspection and approval.* The Surgeon General may inspect any such areas to determine whether they shall be approved. He may base his approval or disapproval on investigations made by representatives of State departments of health.

§ 12.133 *Submittal of construction plans.* Plans for construction or major reconstruction of sanitation facilities at servicing areas shall be submitted to the Surgeon General for review of the conformity of the proposed facilities with these requirements.

§ 12.134 *General requirements.* Servicing areas shall be provided with all necessary sanitary facilities so operated and maintained as to prevent the spread of communicable diseases.

§ 12.135 *Platforms and drainage.* Platforms shall be of impervious material and kept in good repair. Platforms and ground surfaces shall be adequately drained.

§ 12.136 *Watering equipment; general requirements.* All servicing area piping systems, hydrants, taps, faucets, hoses, buckets, and other appurtenances necessary for delivery of drinking and culinary water to a conveyance shall be designed, constructed, maintained and operated in such a manner as to prevent contamination of the water.

§ 12.137 *Watering equipment; dual systems.* In the case of existing installations where water not approved for use as drinking and culinary water is available for other purposes, there shall be no physical connection with the drinking water system, and the outlets of the non-approved systems shall be provided with fittings unsuited for drinking water hose connections. Such outlets shall be posted with permanent signs warning that the water is unfit for drinking. Dual water systems will not be permitted in new installations.

§ 12.138 *Watering equipment; cleaning and bactericidal treatment.* Facilities shall be provided for cleaning and bactericidal treatment of all systems and appurtenances used in the transportation, storage, or handling of water or ice which may be used for drinking and culinary purposes. Cleaning and bactericidal treatment shall be accomplished periodically as conditions may require.

§ 12.139 *Watering equipment; ice.* If bulk ice is used for the cooling of drinking water or other beverages, or for food preservation purposes, equipment constructed so as not to become a factor in the transmission of communicable diseases shall be provided for the storage, washing, handling, and delivery to conveyances of such bulk ice, and such equipment shall be used for no other purposes.

§ 12.140 *Employee conveniences.* (a) There shall be adequate toilet, washroom, locker, and other essential sanitary facilities readily accessible for use of employees adjacent to places or areas where land and air conveyances are serviced, maintained, and cleaned. These facilities shall be maintained in a clean and sanitary condition at all times.

(b) In the case of diners not in a train but with a crew on board, adequate toilet facilities shall be available to the crew within a reasonable distance but not exceeding 500 feet of such diners.

(c) Drinking fountains and coolers shall be constructed of impervious, nonoxidizing material, and shall be so designed and constructed as to be easily cleaned and protected against backflow. The jet of a drinking fountain shall be slanting and the orifice of the jet shall be protected by a guard in such a manner as to prevent contamination thereof by droppings from the mouth or by splashing from the basin. The orifice of such a jet shall be located at least ½ inch above the rim of the basin.

§ 12.141 *Disposal of body discharges.* At servicing areas or stations where land and air conveyances are occupied by passengers, the operations shall be so conducted as to avoid fecal contamination of these areas. This shall be accomplished:

(a) By locking toilet rooms, or

(b) By the use of flexible watertight connections between toilet hoppers and sewer lines, or

(c) By the use of soil cans or chemical toilets which shall be constructed of durable, watertight, rust-resisting material designed to permit ready cleaning, and in the case of soil cans designed to fit the toilet hopper outlet.

Where soil cans or chemical toilets are used, the contents thereof shall be disposed of through sewers or other recognized methods for sanitary disposal of fecal material and the cans shall be thoroughly cleaned before being returned to use. Equipment for cleaning such containers shall be so designed as to prevent backflow into the water line, and such equipment shall be used for no other purpose.

All persons handling soil cans or chemical toilets shall be required to wash their hands thoroughly with soap and warm water before engaging in any work connected with the handling of water, food, or ice.

§ 12.142 *Garbage disposal.* (a) Watertight, readily cleanable, non-absorbent containers with close-fitting covers shall be used to receive and store garbage.

(b) Can washing and draining facilities shall be provided.

(c) Garbage cans shall be emptied daily and shall be thoroughly washed before being returned for use.

(d) Garbage grinding units shall not be used unless connected to a sewer.

SUBPART G—LAND AND AIR CONVEYANCES: EQUIPMENT AND OPERATION

§ 12.146 *Applicability.* The sanitary equipment and facilities on land and air conveyances engaged in interstate traffic and the use of such equipment and facilities shall comply with the requirements prescribed in this subpart.

§ 12.147 *Submittal of construction plans.* Plans for the construction or major reconstruction of sanitary equipment and facilities on such conveyances shall be submitted to the Surgeon General for review of the conformity of such plans with those requirements.

§ 12.148 *Water system.* (a) The water system, either of the pressure or gravity type, shall be complete and closed from the filling ends to the discharge taps. The water system shall be protected against backflow.

(b) Filling pipes or connections through which water tanks are supplied shall be provided on both sides of all new railway conveyances and on existing conveyances when they undergo heavy repairs. All filling connections shall be easily cleanable and so located and protected as to minimize the hazard of contamination of the water supply.

(c) On all new or reconstructed conveyances, water coolers shall be an integral part of the closed system.

(d) Water filters if used on dining cars and other conveyances will be permitted only if they are so operated and maintained at all times as to prevent contamination of the water.

§ 12.149 *Drinking utensils and toilet articles.* (a) No cup, glass, or other drinking utensil which may be used by more than one person shall be provided on any conveyance unless such cup, glass, or drinking utensil shall have been thoroughly cleaned and subjected to effective bactericidal treatment after each individual use.

(b) Towels, combs, or brushes for common use shall not be provided.

§ 12.150 *Toilet and lavatory facilities.* (a) Where toilet and lavatory facilities are provided on conveyances, they shall be so designed as to permit ready cleaning. On conveyances not equipped with retention facilities, toilet hoppers shall be of such design and so located as to prevent spattering of water filling pipes and hydrants, and to permit the attachment of suitable soil cans or flexible sewer connections.

(b) Separate facilities for brushing teeth shall be provided in washrooms of all conveyances having sleeping accommodations.

§ 12.151 *Railway conveyances; food handling facilities.* (a) Both kitchens and pantries of cars hereafter constructed or reconstructed shall be equipped with double sinks, one of which shall be of sufficient size and depth to permit complete immersion of a basket of dishes during bactericidal treatment; in the pantry a dishwashing machine may be substituted for the double sinks. If chemicals are used for bactericidal treatment, 3-compartment sinks shall be provided.

(b) A sink shall be provided for washing and handling cracked ice used in food or drink and shall be used for no other purpose.

(c) Toilet and lavatory facilities for the exclusive use of the dining car employees shall be provided on each train.

(d) Wherever toilet and lavatory facilities required by paragraph (c) of this section are not on the dining car, a lavatory shall be provided on the dining car for the use of the employees. The lavatory shall be conveniently located and used only for the purpose for which it is installed.

(e) Garbage grinding units shall not be used unless they discharge to a retention tank on the car.

§ 12.152 *Cleanliness of conveyance.* Conveyances while in transit shall be kept clean and free of flies and mosquitoes. A conveyance which becomes infected with vermin shall be placed out of service until such time as it shall have been effectively treated for the destruction of the vermin.

§ 12.153 *Ice.* Ice shall not be permitted to come in contact with water in coolers or constant temperature bottles.

§ 12.154 *Land conveyances; discharge of wastes.* (a) There shall be no discharge of excrement, garbage, waste water, or other polluting material from any land conveyance while such conveyance is passing over areas designated by the Surgeon General.

(b) Toilets shall be kept locked at all times when a conveyance is at a station stop unless adequate watertight containers are used to receive the discharges.

§ 12.155 *Air conveyances; discharge of wastes.* Excrement, garbage, or similar matter shall not be discharged from any air conveyance in flight over land areas or waters subject to the control of the United States.

SUBPART H—LAND AND AIR CONVEYANCES, AND VESSELS: FOOD

§ 12.161 *Applicability.* All conveyances engaged in interstate traffic shall comply with the requirements prescribed in this subpart.

§ 12.162 *Inspection.* The Surgeon General may inspect such conveyances to determine compliance with these requirements.

§ 12.163 *General requirements.* All food and drink served on conveyances shall be clean, wholesome, and free from spoilage, and shall be prepared, stored, handled, and served in accordance with the requirements prescribed in this subpart.

§ 12.164 *Source of food and drink; identification and inspection.* (a) Operators of conveyances shall identify, when requested by the Surgeon General, the vendors, distributors, or dealers from whom they have acquired their food supply including milk, milk products, frozen desserts, bottled water, sandwiches, box lunches, and raw oysters, clams, and mussels.

(b) The Surgeon General may inspect any source of such food supply in order

to determine whether the requirements of the regulations are being met, and may utilize the results of inspections of such sources made by representatives of State health departments or of the health authorities of contiguous foreign nations.

§ 12.165 *Milk, milk products, and shellfish.* Milk, milk products, and shellfish served on conveyances shall conform to the following requirements:

(a) No milk shall be served or sold on any conveyance unless such milk is pasteurized and is obtained from a source of supply approved by the Surgeon General. The Surgeon General shall approve any source of supply at or from which milk is produced, processed, and distributed so as to prevent the introduction, transmission, or spread of communicable diseases. If a source of milk supply has not been approved, the Surgeon General may permit its temporary use under such conditions as in his judgment, are necessary to prevent the introduction, transmission, or spread of communicable diseases.

(b) Milk containers shall be plainly labeled to show the contents, the grade, the word "pasteurized" and the identity of the plant at which the contents were packaged.

(c) All milk products, reconstituted milk, buttermilk, milk beverages, frozen desserts, butter, and cheese shall be pasteurized or manufactured from milk or milk products that have been pasteurized or subjected to equivalent heat treatment.

(d) Containers or packages of milk products shall be plainly labeled to show the contents, the word "pasteurized" if the contents have been pasteurized, or such other term as would indicate that the contents have been subjected to heat treatment equivalent to pasteurization, and the identity of the plant at which the contents were packaged.

(e) Milk, buttermilk, and milk beverages shall be served in or from the original individual containers in which received from the distributor, or from a bulk container equipped with a dispensing device so designed, constructed, installed, and maintained as to prevent the transmission of communicable diseases.[1]

(f) Oysters, clams, and mussels purchased in the raw state for consumption on any conveyance shall originate from a dealer currently listed by the Public Health Service as holding an unexpired and unrevoked certificate issued by a State authority.[2]

(g) Shucked shellfish shall be purchased in the containers in which they are placed at the shucking plant and shall be kept therein until used. The State abbreviation and the certificate number of the packer shall be permanently recorded on the container.

§ 12.166 *Storage of perishables.* All perishable food or drink shall be kept at or below 50° F., except when being prepared or kept hot for serving.

§ 12.167 *Ice; source and handling.* All ice coming in contact with food or drink and not manufactured on the conveyance shall be obtained from sources approved by competent health authorities and shall be stored and handled in such manner as to avoid contamination. Such ice shall be thoroughly washed with potable water on the conveyance except in the case of ice cubes which are delivered to the conveyance in sealed containers.

§ 12.168 *Places where food is prepared, served, or stored; construction, maintenance, and use.* (a) All kitchens, galleys, pantries, and other places where food is prepared, served, or stored shall be adequately lighted and ventilated, *Provided, however* That ventilation of cold storage rooms shall not be required. All such places where food is prepared, served, or stored shall be so constructed and maintained as to be clean and free from flies, rodents, and other vermin.

(b) Such places shall not be used for sleeping or living quarters.

(c) Water of satisfactory sanitary quality, under head or pressure, and adequate in amount and temperature, shall be easily accessible to all rooms in which food is prepared and utensils are cleaned.

(d) All plumbing shall be so designed, installed, and maintained as to prevent contamination of the water supply, food, and food utensils.

§ 12.169 *Utensils and equipment.* (a) All utensils and working surfaces used in connection with the preparation, storage, and serving of food or beverages, and the cleaning of food utensils, shall be so constructed as to be easily cleaned and self-draining and shall be maintained in good repair. Adequate facilities shall be provided for the cleaning and bactericidal treatment of all multi-use eating and drinking utensils and equipment used in the preparation of food and beverages. An indicating thermometer, suitably located, shall be provided to permit the determination of the hot water temperature when and where hot water is used as the bactericidal agent.

(b) All multi-use eating and drinking utensils shall be thoroughly cleaned in warm water and subjected to an effective bactericidal treatment after each use. All other utensils that come in contact with food and drink shall be similarly treated immediately following the day's operation. Hot water, when used as a bactericidal agent, shall be at a temperature of at least 170° F. and immersion of utensils therein shall be for not less than two minutes. All equipment shall be kept clean.

(c) After bactericidal treatment, utensils shall be stored and handled in such manner as to prevent contamination before reuse.

§ 12.170 *Refrigeration equipment.* Each refrigerator shall be equipped with a thermometer located in the warmest portion thereof. Waste water drains from ice boxes, refrigerating equipment, and refrigerated spaces shall be so installed as to prevent backflow of contaminating liquids.

§ 12.171 *Garbage equipment and disposition.* Watertight, readily cleanable, non-absorbent containers with close-fitting covers shall be used to receive and store garbage. Garbage and refuse shall be disposed of as frequently as is necessary and practicable.

§ 12.172 *Toilet and lavatory facilities for use of food-handling employees.* (a) Toilet and lavatory facilities of suitable design and construction shall be provided for use of food-handling employees. (Regarding railway dining car crew toilet and lavatory facilities, see § 12.151.) Except on air conveyances, toilet rooms which open directly into rooms where food is prepared, stored, or served, or in which food utensils are handled or stored shall have tight-fitting self-closing doors.

(b) Signs directing food-handling employees to wash their hands after each use of toilet facilities shall be posted so as to be readily observable by such employees. Hand-washing facilities shall include hot running water, soap, and towels for individual use.

(c) All toilet rooms shall be maintained in a clean condition.

§ 12.173 *Food-handling operations.* All food-handling operations shall be accomplished so as to minimize the possibility of contaminating food, drink, or utensils.

The hands of all persons shall be kept clean while engaged in handling food, drink, utensils, or equipment.

§ 12.174 *Health of persons handling food.* Any person who is known or suspected to be in a communicable period or a carrier of any communicable disease shall not be permitted to engage in the preparation, handling, or serving of water, other beverages, or food.

Any person known or suspected to be suffering from gastrointestinal disturbance or who has on the exposed portion of the body an open lesion or an infected wound shall not be permitted to engage in the preparation, handling, or serving of food or beverages.

### SUBPART I—CERTIFICATION FOLLOWING INSPECTIONS

§ 12.181 *Issuance and posting of certificates.* The Surgeon General may issue certificates based upon inspections provided for in the preceding subparts of this part. Such certificates shall be prominently posted on conveyances.

### SUBPART J—DRINKING WATER STANDARDS

§ 12.201 *Definition of terms.* For the purpose of this subpart the terms designated herein below shall be defined as follows:

(a) "Adequate protection by natural agencies" implies various relative degrees of protection against the effects of pollution in surface waters; dilution, storage, sedimentation, the effects of sunlight and aeration, and the associated physical and biological processes which tend to produce natural purification; and, in the case of ground waters, storage in the percolation through the water bearing material.

(b) "Artificial treatment" includes the various processes commonly used in

[1] For suggested specifications, see "Ordinance and Code Regulating Eating and Drinking Establishments" (1943), Public Health Bulletin No. 280.

[2] The Public Health Service issues a list of such dealers biweekly for the information of State health authorities and all others concerned.

water treatment, both separately and in combination, such as storage, aeration, sedimentation, coagulation, rapid or slow sand filtration, chlorination, and other accepted forms of disinfection. Rapid sand filtration treatment is commonly understood to include those auxiliary measures, notably coagulation and sedimentation, which are essential to its proper operation.

(c) "Adequate protection by artificial treatment" implies that the method and degree of elaboration of treatment are appropriate to the source of supply: that the works are of adequate capacity to support maximum demands, are well located, designed, and constructed, are carefully and skillfully operated and supervised by properly trained and qualified personnel, and are adequately protected against floods and other sources of pollution. The evidence that the protection thus afforded is adequate must be furnished by frequent bacteriological examinations and other appropriate analyses showing that the purified water is of good and reasonably uniform quality, a recognized principle being that irregularity in quality is an indication of potential danger. A minimum specification of good quality would be conformance to the bacteriological and chemical requirements of this subpart, as indicated in §§ 12.203 and 12.204.

(d) "Sanitary defect" means any faulty structural condition, whether of location, design, or construction of collection, treatment, or distribution works which may regularly or occasionally prevent satisfactory purification of the water supply or cause it to be contaminated from extraneous sources. Among the extraneous sources of contamination of water supply are dual supplies, bypasses, cross-connections, interconnections, and back-flow connections.

(e) "Health hazard" means any faulty operating condition including any device or water treatment practice, which, when introduced into the water supply system, creates or may create a danger to the wellbeing of the consumer.

(f) "Water supply system" includes the works and auxiliaries for collection, treatment, and distribution of the water from the source of supply to the free-flowing outlet of the ultimate consumer.

(g) "The coliform group of bacteria" is defined, for the purpose of this subpart, as including all organisms considered in the coli-aerogenes group as set forth in the Standard Methods for the Examination of Water and Sewage, current edition, prepared, approved, and published jointly by the American Public Health Association and the American Water Works Association, New York City. The procedures[3] for the demonstration of bacteria of this group shall be those specified herein, for:

(1) The completed test, or

(2) The confirmed test when the liquid confirmatory medium brilliant green bile lactose broth, 2 percent, is used, providing the formation of gas in any amount in this medium during 48 hours of incubation at 37° C. is considered to constitute a positive confirmed test, or

(3) The confirmed test when one of the following liquid confirmatory media is used: crystal violet lactose broth, fuchsin lactose broth, or formate ricinoleate broth. For the purpose of this test, all are equivalent, but it is recommended that the laboratory worker base his selection of any one of those confirmatory media upon correlation of the confirmed results thus obtained with a series of completed tests, and that he select for use the liquid confirmatory medium yielding results most nearly agreeing with the results of the completed test. The incubation period for the selected liquid confirmatory medium shall be 48 hours at 37° C. and the formation of gas in any amount during this time shall be considered to constitute a positive confirmed test.

(h) "The standard portion of water" for the application of the bacteriological test may be either:

(1) Ten milliliters (10 ml.) or

(2) One hundred milliliters (100 ml.)

(i) "The standard sample" for the bacteriological test shall consist of five (5) standard portions of either:

(1) Ten milliliters (10 ml.) or

(2) One hundred milliliters (100 ml.) each.

In any disinfected supply the sample must be freed of any disinfecting agent within twenty (20) minutes of the time of its collection.[4]

(j) "The certifying authority" is the Surgeon General of the United States Public Health Service or his duly authorized and designated representatives. Reference to the certifying authority shall be applicable only in the cases of those water supplies to be certified for use on carriers subject to the Federal quarantine regulations. "The reporting agency" shall be understood to mean the respective official State health agencies or their designated representatives.

§ 12.202 *As to source and protection.* (a) The water supply shall be:

(1) Obtained from a source free from pollution; or

(2) Obtained from a source adequately purified by natural agencies; or

(3) Adequately protected by artificial treatment.

(b) The water supply system in all its parts should be free from sanitary defects and health hazards, and all known sanitary defects and health hazards shall be systematically removed at a rate satisfactory to the reporting agency and to the certifying authority. Approval of public water supplies by the reporting agency and the certifying authority will be conditioned by the existence of:

(1) Rules and regulations prohibiting connections or arrangements by which liquids or chemicals of unsafe, unknown, or questionable quality may be discharged or drawn into the public water supply;

(2) Provisions to enforce such rules and regulations effectively on all new installations; and

(3) A continuing program to detect health hazards and sanitary defects within the water distribution system.

(c) *Applications.* For the purposes of this subpart, responsibility for conditions in the water supply systems shall be considered to be held by:

(1) The water purveyor from the source of supply to the connection to the customer's service piping, and

(2) The owner of the property served and the municipal, county, or other authority having legal jurisdiction from the point of connection to the customer's service piping to the free-flowing outlet of the ultimate consumer.

§ 12.203 *As to bacteriological quality.*— (a) *Sampling.* The bacteriological examination of water considered under this section shall be of samples collected at representative points throughout the distribution system.

The frequency of sampling and the location of sampling points on the distribution system should be such as to determine properly the bacteriological quality of the water supply. The frequency of sampling and the distribution of sampling points shall be regulated jointly by the reporting agency and the certifying authority after investigation by either agency, or both, of the source, method of treatment, and protection of the water concerned.

The minimum number of samples to be collected from the distribution system and examined by the reporting agency or its designated representatives each month should be in accordance with the number as determined from the graph presented in Figure 1 of this subpart[5] which is based upon the relationship of population served and minimum number of samples per month:

| Population served: | *Minimum number of samples per month* |
|---|---|
| 2,500 and under | 1 |
| 10,000 | 7 |
| 25,000 | 25 |
| 100,000 | 100 |
| 1,000,000 | 300 |
| 2,000,000 | 390 |
| 5,000,000 | 500 |

In determining the number of samples examined monthly, the following samples may be included, provided all results are assembled and available for inspection and the laboratory methods and technical competence of the personnel are

[3] This reference shall apply to all details of technique in the bacteriological examination, including the selection and preparation of apparatus and media, the collection and handling of samples, and the intervals and conditions of storage allowable between collection and examination of the water sample.

[4] In freeing samples of chlorine or chloramines, the procedure given in the Standard Methods for the Examination of Water and Sewage, current edition, shall be followed.

[5] For the purpose of uniformity and simplicity in application, the number of samples to be examined each month for any given population served shall be determined from the graph in accordance with the following:

For populations of 25,000 and under to the nearest 1.

For populations of 25,001 to 100,000 to the nearest 5.

For populations of 100,001 to 2,000,000 to the nearest 10.

For populations of over 2,000,000 to the nearest 25.

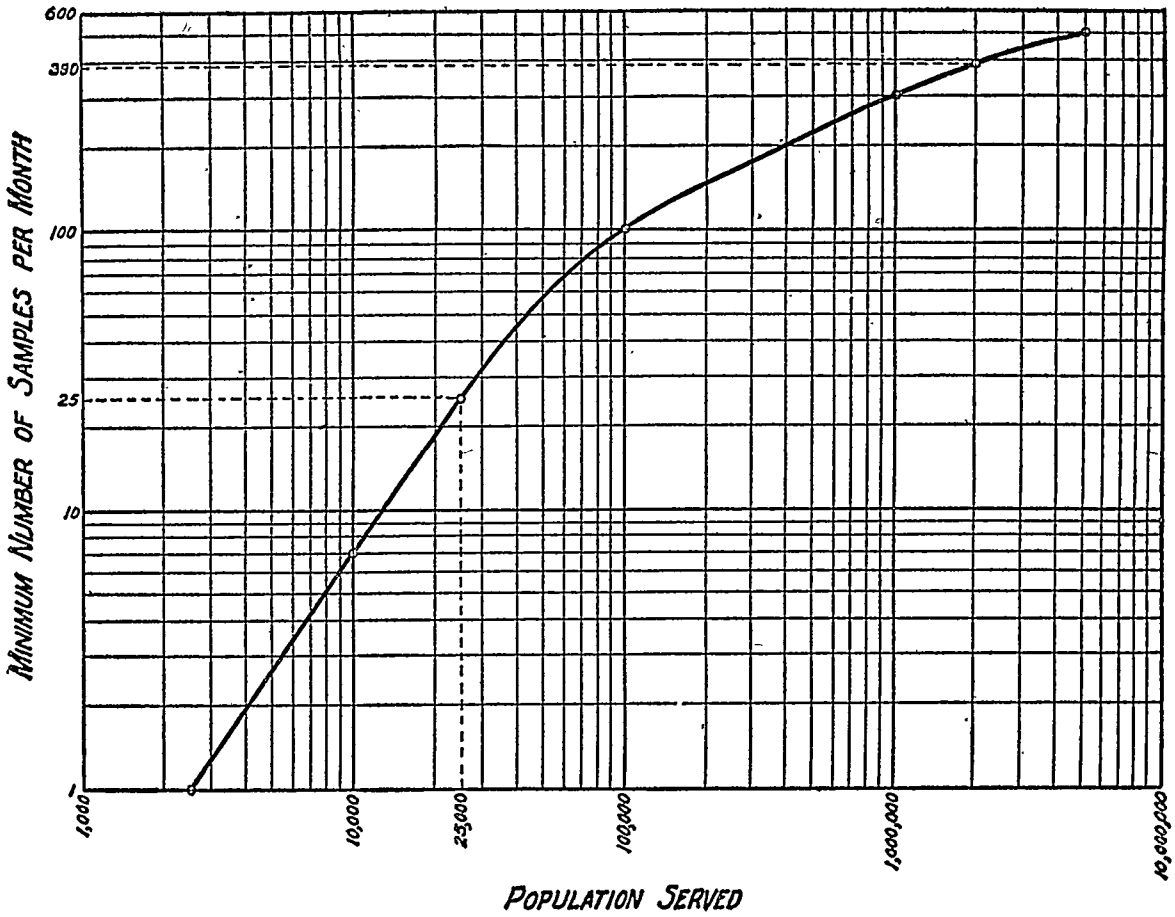


FIGURE 1.—Relation between minimum number of samples to be collected per month and population served.

approved by the reporting and certifying agencies:

(1) Samples examined by the reporting agency.

(2) Samples examined by local health department laboratories.

(3) Samples examined by the water works authority.

(4) Samples examined by commercial laboratories.

Daily samples collected following an unsatisfactory sample as provided in subparagraphs (2) and (4) of paragraph (b) of this section, shall be considered as special samples and shall not be included in the determination of the number of samples examined monthly. Neither shall subsequent unsatisfactory samples in this daily series be used as a basis for prohibiting the supply: *Provided,* That (i) immediate and active efforts are made to locate the cause of such contamination, (ii) immediate action is taken to eliminate such cause, and (iii) samples taken following such remedial action are satisfactory.

The laboratories in which these examinations are made and the methods used in making them shall be subject to inspection at any time by the designated representatives of the certifying authority and reporting agency. Compliance with the specified procedures and the results obtained shall be used as a basis for certification, in accordance with the application given below:

(b) *Application.* Subparagraphs (1) and (2) of this paragraph shall govern when ten milliliter (10 ml.) portions are used and subparagraphs (3) and (4) of this paragraph shall govern when one hundred milliliter (100 ml.) portions are used.[6]

(1) Of all the standard ten milliliter (10 ml.) portions examined per month in accordance with the specified procedure, not more than ten (10) percent shall show the presence of organisms of the coliform group.

(2) Occasionally three (3) or more of the five (5) equal ten milliliter (10 ml.) portions constituting a single standard sample may show the presence of organisms of the coliform group: *Provided,* That this shall not be allowable if it occurs in consecutive samples or in more than:

(i) Five (5) percent of the standard samples when twenty (20) or more samples have been examined per month.

(ii) One (1) standard sample when less than twenty (20) samples have been examined per month.

*Provided further* That when three or more of the five equal ten milliliter (10 ml.) portions constituting a single standard sample show the presence of organisms of the coliform group, daily samples from the same sampling point shall be collected promptly and examined until the results obtained from at least two consecutive samples show the water to be of satisfactory quality.[7]

(3) Of all the standard one hundred milliliter (100 ml.) portions examined per month in accordance with the specified procedure, not more than sixty (60) percent shall show the presence of organisms of the coliform group.

(4) Occasionally all of the five (5) equal one hundred milliliter (100 ml.) portions constituting a single standard sample may show the presence of organisms of the coliform group, *Provided,* That this shall not be allowable if it occurs in consecutive samples or in more than:

(i) Twenty (20) percent of the standard samples when five (5) or more samples have been examined per month.

(ii) One (1) standard sample when less than five (5) samples have been examined per month.

*Provided further* That when all five of the standard one hundred milliliter (100 ml.) portions constituting a single standard sample show the presence of organisms of the coliform group, daily samples from the same sampling point shall be collected promptly and examined until the results obtained from at least

[6] It is to be understood that in the examination of any water-supply the series of samples for any month must conform to both of the requirements of either subparagraphs (1) and (2) or (3) and (4) of paragraph (b), respectively.

[7] When this occurs, and when waters of unknown quality are being examined, simultaneous tests should be made on multiple portions of a geometric series ranging from 10 ml. to 0.1 ml. or less.

two consecutive samples show the water to be of satisfactory quality.[8]

(5) The procedure given, using a standard sample composed of five standard portions, provides for an estimation of the most probable number of coliform bacteria present in the sample as set forth in the following tabulation:

| Number of portions | | Most probable number of coliform bacteria per 100 ml. | |
|---|---|---|---|
| Negative | Positive | When 5-10 ml. portions are examined | When 5-100 ml. portions are examined |
| 5 | 0 | Less than— 2.2 | Less than— 0.22 |
| 4 | 1 | 2.2 | .22 |
| 3 | 2 | 5.1 | .51 |
| 2 | 3 | 9.2 | .92 |
| 1 | 4 | 16.0 | 1.60 |
| 0 | 5 | More than— 16.0 | More than— 1.60 |

§ 12.204 *As to the physical and chemical characteristics*—(a) *Physical characteristics.*[9] The turbidity of the water shall not exceed 10 p. p. m. (silica scale) nor shall the color exceed 20 (platinum-cobalt seals) The water shall have no objectionable taste or odor.

(b) *Chemical characteristics.* The water shall not contain an excessive amount of soluble mineral substance, nor excessive amounts of any chemicals employed in treatment. Under ordinary circumstances, the analytical evidence that the water satisfies the physical and chemical standards given in paragraph (a) of this section and subparagraph (1) of this paragraph and simple evidence that it is acceptable for taste and odor will be sufficient for certification with respect to physical and chemical characteristics.

(1) The presence of lead (Pb) in excess of 0.1 p. p. m., of fluoride in excess of 1.5 p. p. m., of arsenic in excess of 0.05 p. p. m., of selenium in excess of 0.05 p. p. m., of hexavalent chromium in excess of 0.05 p. p. m., shall constitute grounds for rejection of the supply.

These limits are given in parts per million by weight and a reference to the method of analysis recommended for each determination is given in subparagraph (1) of paragraph (c) of this section. Salts of barium, hexavalent chromium, heavy metal glucosides, or other substances with deleterious physiological effects shall not be added to the system for water treatment purposes.

Ordinarily analysis for these substances need be made only semiannually. If, however, there is some presumption of unfitness because of these elements, periodic determination for the element in question should be made more frequently.

Where experience, examination, and available evidence indicate that such substances are not present or likely to be present in the water supplies involved, semiannual examinations are not necessary, provided such omission is acceptable to the reporting agency and the certifying authority.

(2) The following chemical substances which may be present in natural or treated waters should preferably not occur in excess of the following concentrations where other more suitable supplies are available in the judgment of the certifying authority. Recommended methods of analysis are given in paragraph (c) of this section:

Copper (Cu) should not exceed 3.0 p. p. m.

Iron (Fe) and manganese (Mn) together should not exceed 0.3 p. p. m.

Magnesium (Mg) should not exceed 125 p. p. m.

Zinc (Zn) should not exceed 15 p. p. m.

Chloride (Cl) should not exceed 250 p. p. m.

Sulfate ($SO_4$) should not exceed 250 p. p. m.

Phenolic compounds should not exceed 0.001 p. p. m. in terms of phenol.

Total solids should not exceed 500 p. p. m. for a water of good chemical quality. However, if such water is not available, a total solids content of 1,000 p. p. m. may be permitted.

For chemically treated waters, i. e., lime softened zeolite or other ion exchange treated waters, or any other chemical treatments, the following three requirements should be met:

(i) The phenolphthalein alkalinity (calculated as $CaCO_3$) should not be greater than 15 p. p. m. plus 0.4 times the total alkalinity. This requirement limits the permissible pH to about 10.6 at 25° C.

(ii) The normal carbonate alkalinity should not exceed 120 p. p. m. Since the normal alkalinity is a function of the hydrogen ion concentration and the total alkalinity, this requirement may be met by keeping the total alkalinity within the limits suggested below when the pH of the water is within range given. These values apply to water at 25° C.

| *pH range* | *Limit of total alkalinity (p. p. m. of $CaCO_3$)* |
|---|---|
| 8.0 to 9.6 | 400 |
| 9.7 | 340 |
| 9.8 | 300 |
| 9.9 | 260 |
| 10.0 | 230 |
| 10.1 | 210 |
| 10.2 | 190 |
| 10.3 | 180 |
| 10.4 | 170 |
| 10.5 to 10.6 | 160 |

(iii) If excess alkalinity is produced by chemical treatment, the total alkalinity should not exceed the hardness by more than 35 p. p. m. (calculated as $CaCO_3$).

(c) *Recommended methods of analysis.*[10] (1) Ions with required limits of concentration.

*Arsenic* (As) Official and Tentative Methods of Analysis. Association of Official Agricultural Chemists, 1940, p. 390; also "Colorimetric Microdetermination of Arsenic," Morris B. Jacobs and Jack Nagler. Industrial and Engineering Chemistry, Anal. Ed., 14: 442 (1942)

*Fluoride* (F) Standard Methods for the Examination of Water and Sewage, current edition; also Methods of Determining Fluorides, Committee Report, A. P. Black, Chairman. Journal American Water Works Association, 33: 1965–2017 (1941).

*Lead* (Pb) Standard Methods for the Examination of Water and Sewage, current edition.

*Selenium* (Se) Official and Tentative Methods of Analysis. Association of Official Agricultural Chemists, 1940, pp. 11 and 417; also Robinson, W. O., Dudley, H. C., Williams, K. T., and Byers, Horace G., The Determination of Selenium and Arsenic by Distillation. Industrial and Engineering Chemistry, Anal. Ed., 6:274 (1934)

*Hexavalent Chromium*: Standard Methods for the Examination of Water and Sewage, current edition.

(2) Ions and substances with suggested limits of concentration.

*Copper* (Cu) Standard Methods for the Examination of Water and Sewage, current edition.

*Iron* (Fe) and Manganese (Mn) Ibid.

*Magnesium* (Mg) Ibid.

*Zinc* (Zn) Ibid.

*Chloride* (Cl) Ibid.

*Sulfate* ($SO_4$) Ibid.

*Phenolic compounds*: Ibid.

With dibromquinonechlorimide as an indicator.

*Total solids*: Ibid.

*Alkalinity*: Ibid.

*Effective date; prior regulations superseded.* The foregoing regulations shall be effective thirty days after their publication in the FEDERAL REGISTER, and as of such date shall supersede §§ 12.1 to 12.47, Title 42, Code of Federal Regulations, as amended February 6, 1946 (11 F. R. 1406) and such sections, issued under the authority of section 3 of the act of February 15, 1893 (27 Stat. 450; 42 U. S. C. 92), section 4 of the act of July 9, 1918 (40 Stat. 886; 42 U. S. C. 25) and sections 215, 361 of the act of July 1, 1944 (58 Stat. 690, 703; 42 U. S. C., Supp. V 216, 264) are hereby repealed as of such date.

Dated: May 2, 1947.

[SEAL] THOMAS PARRAN,
*Surgeon General.*

Approved: May 7, 1947.

MAURICE COLLINS,
*Acting Federal Security Administrator.*

[F. R. Doc. 47-4447; Filed, May 15, 1947; 8:56 a. m.]

[8] When this occurs, and when waters of unknown quality are being examined, simultaneous tests should be made on multiple portions of a geometric series ranging from 100 ml. to 1.0 ml. or less.

[9] The requirements in paragraph (a) relating to turbidity and color shall be met by all filtered water supplies. Turbidity and color limits for unfiltered waters and the requirements of freedom from taste or odor for either filtered or unfiltered waters should be based on reasonable judgment and discretion, giving due consideration to all the local factors involved.

[10] For the chemical determinations referred to in this report, when given, the methods of analysis recommended by the Association of Official Agricultural Chemists are satisfactory and may be substituted for those recommended in the Standard Methods for the Examination of Water and Sewage, current edition, which are specifically cited.

# TITLE 49—TRANSPORTATION AND RAILROADS

## Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

PART 7—LIST OF FORMS, PART II, INTERSTATE COMMERCE ACT

Subchapter B—Carriers by Motor Vehicle

PART 190—GENERAL DEFINITIONS

PART 191—HOURS OF SERVICE OF DRIVERS

PART 192—QUALIFICATIONS OF DRIVERS

PART 193—DRIVING OF MOTOR VEHICLES

PART 194—NECESSARY PARTS AND ACCESSORIES

PART 195—REPORTING OF ACCIDENTS

PART 196—INSPECTION AND MAINTENANCE

PART 197—TRANSPORTATION OF EXPLOSIVES

MISCELLANEOUS AMENDMENTS

At a general session of the Interstate Commerce Commission held at its office in Washington, D. C., on the 6th day of May A. D. 1947.

In the matter of qualifications and maximum hours of service of employees of motor carriers and safety of operations and equipment, Ex Parte No. MC–40; in the matter of maximum hours of service of motor carrier employees, Ex Parte No. MC–2; in the matter of need for establishing reasonable requirements to promote safety of operation of motor vehicles used in transporting property by private carriers, Ex Parte No. MC–3; in the matter of regulations governing transportation of explosives and other dangerous articles by motor vehicle, Ex Parte No. MC–13; in the matter of regulations for transportation of explosives and other dangerous articles, No. 3666.

It appearing, that by order dated February 8, 1939, in Ex Parte No. MC–2, the Commission, Division 5, under authority of section 204 (a) of the Interstate Commerce Act (49 U. S. C. 304 (a)) prescribed Form 1 designated "Driver's Daily Log" with accompanying text titled "Instructions for Use of Driver's Log" and "Method of Using Driver's Log" (49 CFR, Cum. Supp., 191.5 (c)) such form and instructions being part of certain concurrently adopted regulations applicable to drivers employed by common and contract carriers by motor vehicle when engaged in interstate or foreign commerce;

It further appearing, that by order of Division 5 of September 30, 1940, in Ex Parte No. MC–3 (49 CFR, Cum. Supp., Note following Part 191 but preceding its context) the said regulations were made applicable to certain motor-vehicle private carriers of property when engaged in interstate or foreign commerce;

It further appearing, that by order of Division 3 of April 20, 1943, in Ex Parte Nos. MC–3 and 13 and No. 3666 (49 CFR Cum. Supp., Note following Part 197 but preceding its context) Parts 1 to 6, inclusive, of the Motor Carrier Safety Regulations Revised (49 CFR, Parts 191–196) were made applicable to every common carrier by motor vehicle, contract carrier by motor vehicle, and private carrier of property by motor vehicle engaged in interstate or intrastate commerce with respect to certain regulations (49 CFR, Part 197) prescribed by the same order governing the transportation by motor vehicle of explosives and other dangerous articles.

It further appearing, that by order of December 9, 1946 (11 F. R. 14328, 14337) the Commission instituted an investigation, designated Ex Parte No. MC–40, to consider revision of the Motor Carrier Safety Regulations Revised (49 CFR, Parts 190–197) and in such order the Director of the Bureau of Motor Carriers was directed to conduct informal conferences with interested parties and to invite submission of recommendations;

And it further appearing, that recommendations have been received and conferences conducted on the matter, among others, of need for modification and simplification of the form of driver's log and accompanying instructions, and without public hearing such need has been shown to exist:

*It is ordered,* That the said orders of February 8, 1939, September 30, 1940, and April 20, 1943 (49 CFR, Parts 190–197) insofar as they apply to Form 1, "Driver's Daily Log" "Instructions for the Use of Driver's Daily Log" and Method of Using Driver's Log" be, and they are hereby, vacated as of the effective date of this order;

*It is further ordered,* That Form–BMC 59 (§ 7.59) *"Driver's Daily Log"*, embracing "Instructions for the Use of Driver's Daily Log (Form–BMC 59)", and "Method of Using Driver's Log (Form–BMC 59)" copy attached hereto[1] and made part hereof, is approved, adopted, and prescribed for appropriate use by drivers employed by or used by motor carriers subject to these regulations, including owner-drivers, as required by § 191.5, *Driver's log; * * * forms prescribed, * * ** (a) [Rule 5 (a), Part 5, M. C. S. R., Rev.], as hereinafter amended.

*It is further ordered,* That subject to the provisions of § 191.5, *Driver's log; * * * Forms prescribed, * * ** (a) [Rule 5 (a), Part 5, M. C. S. R., Rev.], each carrier subject to said regulations be, and is hereby required, commencing on the effective date of this order to keep, or require to be kept, the said driver's log in accordance with Form–BMC 59 (§ 7.59) *"Driver's Daily Log"* and accompanying instructions.

*It is further ordered,* That this order shall become effective July 1, 1947, and shall continue in effect until the further order of the Commission.

*And it is further ordered,* That a copy of this order be served upon all motor carriers and that notice hereof be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing with the Director, Division of the Federal Register.

NOTE: (The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with Federal Reports Act of 1942. (Budget Bureau No. 60–R253)

(35 Stat. 1135, 41 Stat. 1445, 49 Stat. 546, 54 Stat. 921, 18 U. S. C. 383, 49 U. S. C. 304)

By the Commission.

[SEAL] W. P BARTEL, *Secretary.*

[F R. Doc. 47–4596; Filed, May 15, 1947; 8:49 a. m.]

# PROPOSED RULE MAKING

## INTERSTATE COMMERCE COMMISSION

### [49 CFR, Part 139]

[No. 10122]

STANDARD TIME ZONE INVESTIGATION

NOTICE OF PROPOSED RULE MAKING

MAY 5, 1947.

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 5th day of May A. D. 1947.

Upon further consideration of the record in the above-entitled proceeding and consideration of the petition of the Knoxville Chamber of Commerce and Knoxville Junior Chamber of Commerce for extension of the eastern standard time zone so as to include additional portions of eastern Tennessee, and good cause appearing therefor:

*It is ordered,* That the said proceeding be, and it is hereby, reopened for further hearing, on the question of whether the orders of the Commission, dated October 24, 1918, and thereafter, defining the boundary line between the United States standard eastern and central time zones, and restated in the order of the Commission dated May 19, 1928, and further modified by the orders of October 15, and 31, 1941, and February 5, 1943, should be so modified that the City of Knoxville or any of the remainder of the State of Tennessee, or any portion of the States of Kentucky, Virginia, or North Carolina, now in the United States central time zone, be included within the United States eastern time zone.

*And it is further ordered,* That this proceeding be assigned for further hearing in the United States Court Rooms, Knoxville, Tenn., on June 16, 1947, at 9:30 a. m., United States standard central time, before Examiner Thomas E. Pyne, and at such further places and dates as may be determined by the presiding Examiner; and that copies of this order and the attached notice be served upon the petitioners, the Governors and Public Service Commissions of the States named, and the railroads engaged in in-

[1] Filed as part of original document.

terstate commerce, located in whole or in part in the States named; and that notice be given to the general public by depositing a copy of this order and the attached notice in the office of the Secretary of the Commission for public inspection, and by filing copies of the said order and notice with the Director, Division of the Federal Register.

Pursuant to section 4 (a) of the Administrative Procedure Act (60 Stat. 237) notice is hereby given of the proposed modification of the outstanding orders in the above-entitled proceeding so as to redefine the limits of the United States standard eastern and central time zones, under authority of the Standard Time Act, 40 Stat. 450–451, 41 Stat. 1446; 42 Stat. 1434; 15 U. S. C. 261–265.

By order issued with the original report in this proceeding, 51 I. C. C. 273 (1918) as modified by order issued with the thirteenth supplemental report, 122 I. C. C. 122, (1927) as restated by the order issued with the sixteenth supplemental report, 142 I. C. C. 279, (1928) and as further modified by the orders issued with the twenty-fourth, twenty-fifth, and twenty-sixth supplemental reports, 246 I. C. C. 721, (1941) 248 I. C. C. 15, (1941) and 255 I. C. C. 129, (1943) the boundary between the eastern and central zones was defined so as to run from Cincinnati, Ohio, along the south bank of the Ohio River to Catlettsburg, Ky., southerly through the eastern end of Kentucky, the extreme western end of Virginia, the northeastern tip of Tennessee, the western end of North Carolina, and thence along the northern and western boundary of Georgia. At the time of the last hearings in this proceeding, the City of Knoxville and certain nearby towns were before the Commission urging the westward extension of the limits of the eastern zone so as to include all of Virginia and North Carolina and the eastern portions of Kentucky and Tennessee in that zone. At that time the petitions were denied, because of the vigorous opposition which the proposal met in Knoxville and surrounding communities and because the railroad operating difficulties which would be caused by the proposed change in time-breaking points could not be eliminated without including in the eastern zone many communities which had shown no previous inclination to observe the eastern standard.

A petition has been filed by the Knoxville Chamber of Commerce and Knoxville Junior Chamber of Commerce for an extension of the eastern zone so as to include additional portions of eastern Tennessee. Upon consideration of that petition Division 2 of the Commission has reopened the above-entitled proceeding for further hearing.

The petitioners allege that by city ordinance, passed following a referendum by the people of Knoxville, eastern standard time has been the official time of that city since April 27, 1946, and that since that time the number of cities and towns in eastern Tennessee which observe eastern standard time has increased. They further allege that Chattanooga, Tenn., the next large city to the west of Knoxville, has adopted daylight-saving time during the summer months and that many in that metropolitan area favor the permanent adoption of eastern time.

Based on the averments of the petition considered in the light of the present record, particularly the hearings of 1941, the attached proposed modification of the boundary line between the eastern and central time zones has been prepared. The effect of such a line would be to transfer into the eastern zone the remaining portions of Virginia and North Carolina and the portion of Tennessee east of the line of the Cincinnati, New Orleans & Texas Pacific (Southern System) including all points on that line, Oakdale and south to and including Chattanooga. The present line in Kentucky would not be disturbed. The modification would require some changes in existing railroad operation exceptions.

Anyone wishing to make representations in favor of or against the changes proposed may do so through the submission of written data, views, or arguments. The original and five copies of such a submission should be filed with the Commission on or before June 9, 1947.

The proceeding has been set for hearing in the United States Court Rooms, Knoxville, Tenn., on June 16, 1947, at 9:30 a. m., United States standard central time, before Examiner Thomas E. Pyne. The issue at that hearing is confined to the question of whether the limits of the United States Eastern Time Zone should be moved westward to include Knoxville or any of the remainder of the State of Tennessee or any portion of the States of Kentucky, Virginia, or North Carolina now in the United States Central Time Zone.

Attention is directed to the provisions of the Standard Time Act, which contemplate four time zones for the United States proper and specifically designates the standard of time to be observed within those zones with respect to the matters specified in that act. The authority of this Commission is confined to the determination of the limits of the several zones. Evidence in support of a change in the law cannot be admitted.

It is expected that all interested persons who appear will cooperate so that a fair and complete presentation of the pertinent facts may be made as succinctly and expeditiously as possible. The attached proposed modification of the boundary line has been prepared to save time and assist the parties. This should be understood, however, as not restricting the issues in any way, and any person may propose or support any other change in the line within the scope of the reopened proceeding or may oppose any change in the existing line.

A copy of this notice shall be served upon the petitioners and upon the Governors and Public Service Commissions of the States of Tennessee, Kentucky, Virginia, and North Carolina, and upon the railroads engaged in interstate commerce, located in whole or in part in the States named. Notice to the general public shall be given by depositing a copy in the office of the Secretary of the Commission for public inspection, and by filing a copy with the Director, Division of Federal Register.

Section 139.3 *Boundary line between eastern and central zones* proposed to be amended as follows:

1. Paragraphs (c), (d) and (e) to be consolidated and superseded by the following paragraphs (c) and (d)

(c) *Kentucky-Virginia.* From Catlettsburg south immediately west of and parallel with the Big Sandy division of the Chesapeake & Ohio Railway to the northern boundary of Lawrence County, Kentucky; thence westerly and southerly along the west lines of Lawrence, Johnson, Floyd, and south line of Pike Counties to the boundary line between Kentucky and Virginia; thence southwesterly along that boundary line to the southwestern corner of Virginia.

(d) *Tennessee.* From the southwestern corner of Virginia southwesterly and westerly along the boundary line between Kentucky and Tennessee to the line of the Southern Railway (Cincinnati, New Orleans & Texas Pacific Railway) just north of Isham; thence southerly immediately east of and parallel with that railway to Oakdale, then crossing to the west side of that railway; thence southwesterly immediately north or west of that railway to the northern boundary of Hamilton County; thence westerly and southerly along the northern and western boundaries of that county to the boundary line between Tennessee and Georgia.

2. Paragraphs (f) *Georgia* and (g) *Florida* to be relettered (e) and (f) respectively.

3. Paragraph (h) *Operating exceptions* to be relettered (g) and, so far as providing exceptions for lines of the following railroads, to be amended so as to substitute the following for the present exceptions of those roads:

1. LINES EAST OF BOUNDARY EXCEPTED FROM EASTERN ZONE

| Railroad | From— | To— |
|---|---|---|
| Louisville & Nashville | Kentucky-Tennessee State Line north of Cumberland Gap, Tenn. | Norton, Va. |
| Do | Pennington, Va. | Pocket, Va. |
| Do | Kentucky-Virginia State line south of Smith, Ky. | Smiley and Hagans, Va. |
| Do | Kentucky-Tennessee State line north of Fork Ridge, Tenn. | Bryson Mountain, Tenn. |
| Do | River Junction, Fla. | Apalachicola River. |
| Nashville, Chattanooga & St. Louis. | Georgia-Tennessee State line east of Hooker, Ga. | Georgia-Tennessee State line west of Hooker, Ga. |
| Southern[1] | Oakdale, Tenn. | Northern limits of Chattanooga, Tenn. |
| Do | Georgia-Tennessee State line north of Wildwood, Ga. | Georgia-Alabama State line southwest of Sulphur Springs, Ga. |
| Do | Rome, Ga. | Georgia-Alabama State line west of Early, Ga. |
| Do | do | Georgia-Alabama State line west of Etna, Ga. |
| Do | Georgia-Alabama State line west of Hooper, Ga. | Western limits of Atlanta, Ga. |

[1] Including any tracks of the Tennessee Central extending east or south of this line in the vicinity of Harriman, Tenn.

2. LINES WEST OF BOUNDARY INCLUDED IN EASTERN ZONE

| Railroad | From— | To— |
|---|---|---|
| Louisville and Nashville | Kentucky-Tennessee State line north of Pruden, Tenn. | Fonde, Ky. |
| Do | Kentucky-Tennessee State line north of High Cliff, Tenn. | Corbin, Ky. |
| Do | Kentucky-Tennessee State line north of Jellico, Tenn. | Lot and Saxton, Ky. |
| Do | Savoy, Ky | Packard and Gatliff, Ky. |

The present exceptions of all other railroads would be continued, except that of the Carolina, Clinchfield & Ohio, which would be eliminated as no longer necessary.

All of the exceptions would be for operating purposes only and would be subject to the usual condition that the respective carriers, in their published advertisements, their time cards, bulletin boards in stations, and in other like ways, show the arrival and departure of their trains in terms of the standard of time prescribed for general use in the particular zone.

4. Paragraph (i) would be superseded by the following:

(h) *Points on boundary line.* The following-named municipalities located upon the above-described zone boundary line shall be considered as within the United States standard eastern time zone: Points on the Southern Railway, Oakdale to Chattanooga, Tenn., inclusive, and Apalachicola, Fla. All other municipalities located upon the above-described zone boundary line, not specifically named, shall be considered as within the United States standard central time zone.

(40 Stat. 450–451, 41 Stat. 1446; 42 Stat. 1434; 15 U. S. C. 261–265)

By the Commission, Division 2.

[SEAL] W P BARTEL, *Secretary.*

[F. R. Doc. 47-4599; Filed, May 15, 1947; 8:49 a. m.]

# NOTICES

## DEPARTMENT OF AGRICULTURE

### Rural Electrification Administration

[Administrative Order 1247]

ALLOCATION OF FUNDS FOR LOANS

APRIL 1, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project designation: | *Amount* |
|---|---|
| Georgia 8H Wilkes | $210,000 |
| Georgia 37N Douglas | 130,000 |
| New Mexico 21A Lincoln | 707,500 |
| Oklahoma 19L Craig | 303,000 |

[SEAL] CLAUDE R. WICKARD, *Administrator*

[F. R. Doc. 47-4621; Filed, May 15, 1947; 8:58 a. m]

[Administrative Order 1248]

ALLOCATION OF FUNDS FOR LOANS

APRIL 2, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project designation: | *Amount* |
|---|---|
| Mississippi 21P Coahoma | $315,000 |
| Texas 101L Parker | 370,000 |

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 47-4622; Filed, May 15, 1947; 8:58 a. m.]

[Administrative Order 1249]

ALLOCATION OF FUNDS FOR LOANS

APRIL 4, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project designation: | *Amount* |
|---|---|
| Florida 34C Bay | $165,000 |
| Mississippi 30R Jones | 63,000 |
| Montana 2N Cascade | 165,000 |
| Nebraska 4P Polk District Public | 250,000 |
| Oklahoma 2R Kay | 363,000 |
| Oklahoma 23H Okmulgee | 121,000 |

[SEAL] CLAUDE R. WICKARD, *Administrator*

[F. R. Doc. 47-4623; Filed, May 15, 1947; 8:58 a. m.]

[Administrative Order 1250]

ALLOCATION OF FUNDS FOR LOANS

APRIL 7, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for a loan for the project and in the amount as set forth in the following schedule:

| Project designation: | *Amount* |
|---|---|
| Texas 86L Comanche | $335,000 |

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 47-4624; Filed, May 15, 1947; 8:58 a. m.]

[Administrative Order 1251]

ALLOCATION OF FUNDS FOR LOANS

APRIL 7, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project designation: | *Amount* |
|---|---|
| Michigan 5P Lenawee | $25,000 |
| Oregon 26H Wasco | 100,000 |
| South Carolina 23K Dorchester | 250,000 |
| Texas 47N Deaf Smith | 350,000 |
| Texas 84K Hall | 125,000 |
| Washington 8P Benton | 180,000 |
| Wisconsin 29K Clark | 280,000 |

[SEAL] CLAUDE R. WICKARD, *Administrator*

[F. R. Doc. 47-4625; Filed, May 15, 1947; 8:58 a. m.]

[Administrative Order 1252]

ALLOCATION OF FUNDS FOR LOANS

APRIL 7, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for a loan for the project and in the amount as set forth in the following schedule:

| Project designation: | *Amount* |
|---|---|
| Arizona 22A Kingman | $310,000 |

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 47-4626; Filed, May 15, 1947; 8:58 a. m.]

[Administrative Order 1253]

ALLOCATION OF FUNDS FOR LOANS

APRIL 7, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project designation: | *Amount* |
|---|---|
| Georgia 7H Catoosa | $350,000 |
| Iowa 23K Crawford | 215,000 |
| Kansas 30H Nemaha | 560,000 |
| Kansas 33G Pratt | 565,000 |
| South Dakota 23B Sanborn | 500,000 |
| Texas 45F Limestone | 350,000 |

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 47-4627; Filed, May 15, 1947; 8:58 a. m.]

[Administrative Order 1254]

ALLOCATION OF FUNDS FOR LOANS

APRIL 12, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project designation: | *Amount* |
|---|---|
| Illinois 34L Jackson | $520,000 |
| Mississippi 26H Panola | 565,000 |

[SEAL] CLAUDE R. WICKARD,
*Administrator*

[F. R. Doc. 47-4628; Filed, May 15, 1947; 8:58 a. m.]

[Administrative Order 1255]

ALLOCATION OF FUNDS FOR LOANS

APRIL 14, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for a loan for the project and in the amount as set forth in the following schedule:

| Project designation: | *Amount* |
|---|---|
| Arizona 19A Yuma | $298,000 |

[SEAL] CLAUDE R. WICKARD,
*Administrator.*

[F. R. Doc. 47-4629; Filed, May 15, 1947; 8:59 a. m.]

[Administrative Order 1256]

ALLOCATION OF FUNDS FOR LOANS

APRIL 17, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project designation: | *Amount* |
|---|---|
| Arkansas 10R Pulaski | $78,000 |
| Colorado 31H Larimer | 195,000 |
| Louisiana 19G Jefferson Davis | 266,000 |
| Minnesota 95M Lake of the Woods | 100,000 |
| Missouri 33L Butler | 345,000 |
| Missouri 57D Lincoln | 290,000 |
| New Hampshire 4N Merrimack | 200,000 |
| Oklahoma 6U Caddo | 78,000 |
| South Carolina 29G Sumter | 250,000 |
| Texas 60L Lynn | 100,000 |
| Virginia 30P Bath | 268,000 |

[SEAL] CLAUDE R. WICKARD,
*Administrator*

[F. R. Doc. 47-4630; Filed, May 15, 1947; 8:59 a. m.]

[Administrative Order 1257]

ALLOCATION OF FUNDS FOR LOANS

APRIL 17, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project designation: | *Amount* |
|---|---|
| Kentucky 54P Wayne | $129,500 |
| North Carolina 49L Surry | 160,000 |
| Texas 21K Milam | 215,000 |
| Virginia 41P Prince William | 453,000 |

[SEAL]. CLAUDE R. WICKARD,
*Administrator*

[F. R. Doc. 47-4631; Filed, May 15, 1947; 8:59 a. m.]

[Administrative Order 1253]

ALLOCATION OF FUNDS FOR LOANS

APRIL 21, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project designation: | *Amount* |
|---|---|
| Georgia 77H Forsyth | $65,000 |
| Kansas 31L Crawford | 480,000 |
| South Carolina 28L Williamsburg | 220,000 |
| South Carolina 30E Colleton | 235,000 |
| South Carolina 37L Lexington | 278,000 |
| Texas 88H Nueces | 50,000 |

[SEAL] CARL HAMILTON,
*Acting Administrator.*

[F. R. Doc. 47-4632; Filed, May 15, 1947; 8:59 a. m.]

[Administrative Order 1259]

ALLOCATION OF FUNDS FOR LOANS

APRIL 21, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for a loan for the project and in the amount as set forth in the following schedule:

| Project designation: | *Amount* |
|---|---|
| Nebraska 90A Brown | $697,000 |

[SEAL] CARL HAMILTON,
*Acting Administrator.*

[F. R. Doc. 47-4633; Filed, May 15, 1947; 8:59 a. m.]

[Administrative Order 1260]

ALLOCATION OF FUNDS FOR LOANS

APRIL 22, 1947.

I hereby amend:

(a) Administrative Order No. 396, dated October 5, 1939, by reducing the allocation of $25,000 therein made for "Georgia 9093R1 Mitchell" (amended to read "Georgia O-9093R1 Mitchell" by Administrative Order No. 457, dated May 10, 1940) by $24,071.70 so that the reduced allocation shall be $928.30.

[SEAL] CARL HAMILTON,
*Acting Administrator.*

[F. R. Doc. 47-4634; Filed, May 15, 1947; 8:59 a. m.]

[Administrative Order 1261]

ALLOCATION OF FUNDS FOR LOANS

APRIL 22, 1947.

I hereby amend:

(a) Administrative Order No. 13, dated August 22, 1936, by reducing the allocation of $145,000 therein made for "Arizona 4 Pinal" (changed to read "Arizona 4 Pinal District Public" in accordance with the Amendment to General Order No. 84, dated August 1, 1939) by $2,713.92, so that the reduced allocation shall be $142,286.08.

[SEAL] CARL HAMILTON,
*Acting Administrator.*

[F. R. Doc. 47-4635; Filed, May 15, 1947; 8:59 a. m.]

# INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 185]

RECONSIGNMENT OF ORANGES AT SALT LAKE CITY, UTAH

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008) permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Salt Lake City, Utah, May 9, 1947, by O. P. Hesser, of car PFE 95836, oranges, now on the U. P. RR., to O. P. Hesser, Chicago, Ill. (U. P.)

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of May 1947.

V. C. CLINGER,
*Director,*
*Bureau of Service.*

[F. R. Doc. 47-4597; Filed, May 15, 1947; 8:49 a. m.]

[S. O. 396, Special Permit 186]

RECONSIGNMENT OF GRAPEFRUIT AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008) permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Ill., May 10, 1947, by Zulphur & Rogers

Co., of the following cars, grapefruit, now on the Chicago Produce Terminal to Mulkeen Bros., Cleveland; O. (NKP) MDT 23123 Schwartz Co., Detroit, Mich. (Wab) ART 18616 Leone Prod. Co., Pittsburgh, Pa. (PRR) RD 34497.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of May 1947.

V. C. CLINGER,
*Director*
*Bureau of Service.*

[F. R. Doc. 47-4598; Filed, May 15, 1947; 8:49 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 54-155, 54-9 and 59-2]

AMERICAN GAS AND ELECTRIC CO. ET AL.

ORDER APPROVING SUPPLEMENTAL APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 9th day of May A. D. 1947.

In the Matter of American Gas and Electric Co., File No. 54-155; American Gas and Electric Co., Atlantic City Electric Co., Deepwater Operating Co. and South Pennsgrove Realty Co., File No. 54-9 and 59-2.

The Commission having, on April 7, 1947, issued its order approving a plan filed by American Gas and Electric Company ("American Gas"), a registered holding company, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, which plan provides, among other things, for the disposition of the interest of American Gas in Atlantic City Electric Company ("Atlantic City"), through the sale at competitive bidding of 522,416 shares of the common stock of the latter and the disposition of the remaining 627,584 shares of such stock owned by American Gas as dividends to the common stockholders of American Gas commencing with the dividend date June 15, 1948 and terminating with the dividend date December 15, 1948; and

A supplemental application having been filed by American Gas on May 7, 1947, wherein it is stated that on April 8, 1947, applicant made a public invitation for proposals for the purchase from it of the said 522,416 shares of the common stock of Atlantic City, pursuant to which three groups of prospective bidders qualified, and that on April 14, 1947, the day prior to the date set for submission of bids for said stock, American Gas postponed indefinitely the date for submission of such bids because of the market decline of April 14, 1947 and the mechanical obstacles to consummation of the sale by reason of the strike in the telephone industry.

American Gas now proposes to proceed with the sale of the common stock of Atlantic City in following manner: American Gas will publish a notice requesting that any persons interested in such underwriting advise the company in writing before a specified date (which shall not not earlier than the fourth day after publication of the notice). On or after such specified date American Gas will notify by telegram all persons who have so signified their interest that sealed bids should be presented at a designated time and place. The time designated will be not less than 48 hours (exclusive of Sundays and holidays) after the sending by American Gas of such telegraphic notice; and

The Commission having considered the entire record and deeming it appropriate and in the public interest and in the interest of investors and consumers that the request of applicant with respect to the proposed sale of the common stock of Atlantic City be granted:

*It is hereby ordered,* That the supplemental application be, and the same hereby is, approved, subject to the terms and conditions contained in Rule U-24 and subject to the further condition that the proposed sale of the common stock of Atlantic City shall not be consummated until the results of competitive bidding shall have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 47-4595; Filed, May 15, 1947; 8:49 a. m.]

[File No. 70-1327]

AMERICAN POWER & LIGHT CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 7th day of May A. D. 1947.

American Power & Light Company ("American") a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, having filed a declaration, and amendments thereto, in which section 12 (d) of the Public Utility Holding Company Act of 1935 and Rules U-44 and U-50 thereunder are designated as applicable to the following transaction:

American proposes to sell to a non-affiliated interest, for a minimum of $1,800,000 in cash, a 6% past-due note, issued to American by its utility subsidiary, Pacific Power & Light Company ("Pacific"), originally in the principal amount of $3,194,500, upon which there is a balance due of $1,794,500, and to apply the proceeds from such sale toward a capital contribution to Pacific in connection with that subsidiary's reorganization and merger with Northwestern Electric Company, a second utility subsidiary; and

American having requested an order pursuant to sub-paragraph (a) (5) of Rule U-50 exempting the sale of said note from the competitive bidding requirements of paragraphs (b) and (c) of said Rule U-50; and

American having requested that the order of the Commission conform to the requirements of section 1808 (f) and Supplement R of the Internal Revenue Code, as amended, and contain the findings therein specified; and

Said declaration having been filed on June 26, 1946 and notice of filing having been duly given in the manner and form prescribed by Rule U-23 under the act, and American having requested that said declaration, as amended, not be permitted to become effective except upon further order of the Commission, and the Commission not having received a request for hearing with respect to the declaration, as amended; and

The Commission finding that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration, as amended, be permitted to become effective; and

The Commission finding that compliance with paragraphs (b) and (c) of Rule U-50 with respect to the sale of said note is not necessary or appropriate in the public interest or for the protection of investors or consmers to assure the maintenance of competitive conditions or the receipt of adequate consideration;

*It is hereby ordered,* Pursuant to Rule U-23 that said declaration, as amended, be, and the same hereby is, permitted to become effective, forthwith, subject to the terms and conditions prescribed in Rule U-24 and subject to the condition set forth below:

1. That in the event the proposed merger of Northwestern Electric Company into and with Pacific Power & Light Company is not consummated, as described in this Commission's order of April 24, 1947, the proceeds from the sale of said note shall not be used for any purpose (other than for temporary investment in securities of the kind specified in section 9 (c) (1) of the act) except as authorized by further order of this Commission.

*It is further ordered,* That the application of American for the exemption of the sale of said note from the competitive bidding requirements of paragraphs (b) and (c) of Rule U-50 be, and the same hereby is, granted.

*It is further ordered and recited,* That the transaction proposed in the declaration, namely, the sale by American of the 6% past-due note of Pacific Power & Light Company, upon which there is a balance due of $1,794,500 to a non-affiliated interest for a minimum of $1,800,000

in cash and the contribution of the proceeds to its utility subsidiary, Pacific Power & Light Company, is necessary and appropriate to the integration and simplification of the holding company system of which American is a member and is necessary and appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-4588; Filed, May 15, 1947; 8:47 a. m.]

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[File No. 70-1483]

NATIONAL GAS & ELECTRIC CORP. AND INDUSTRIAL GAS CORP.

ORDER GRANTING AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 9th day of May A. D. 1947.

National Gas & Electric Corporation ("National") a registered holding company and Industrial Gas Corporation ("Industrial") a wholly owned nonutility subsidiary company of National, having filed an application and declaration and amendments thereto, pursuant to sections 6 and 12 of the Public Utility Holding Company Act of 1935 and Rules U-42 and U-50 promulgated thereunder with respect to the issuance and sale by Industrial of $1,750,000 principal amount of Fifteen Year _____% Sinking Fund Debentures dated April 1, 1947, to a group of underwriters headed by G. H. Walker & Company, the proceeds of such sale to be used (a) to redeem all of its presently outstanding First Mortgage 5% Bonds in the principal amount of $945,000, now held by National; (b) to repay advances from the Freedom-Valvoline Oil Company in the amount of $367,640; (c) to repay advances from National in the amount of $160,000; and (d) to add the balance to the general funds of the company; and

National having proposed to use the $945,000 it will receive from the redemption of Industrial's bonds together with $155,000 of its general funds to retire in full its presently outstanding bank loans in the amount of $1,100,000 due August 20, 1947; and

National and Industrial having requested that the issuance and sale of the said debentures be exempt from sections 6 (a) and 7 by virtue of section 6 (b) of the act; that the sale be exempt from the competitive bidding requirements of Rule U-50, and that said application and declaration be granted and be permitted to become effective forthwith; and

A public hearing having been held after appropriate notice, and the Commission having considered the record and having made and filed its findings and opinion herein;

*It is ordered,* That said application and declaration, as amended, of National and Industrial be, and the same hereby are, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed by Rule U-24.

*It is further ordered,* That jurisdiction be, and the same hereby is reserved with respect to the price and interest rate to be paid for the debentures and the underwriters' spread and its allocation.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-4592; Filed, May 15, 1947; 8:48 a. m.]

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[File No. 70-1504]

APPALACHIAN ELECTRIC POWER CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 9th day of May A. D. 1947.

Notice is hereby given that an application-declaration and amendment thereto have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Appalachian Electric Power Company ("Appalachian") an electric utility subsidiary of American Gas and Electric Company ("American Gas"), a registered holding company. Applicant-declarant designates sections 6 (b) and 7 of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than May 21, 1947, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application-declaration, as amended, which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after May 21, 1947, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the Rules and Regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application-declaration, as amended, which is on file in the offices of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Appalachian has entered into a credit agreement whereby the banks named below will make loans to Appalachian in the amounts shown during the period from the effective date of the agreement to July 1, 1950. Of the aggregate amount of $12,600,000 which the banks are obligated to lend, $5,000,000 will be borrowed and notes will be issued therefor within 10 days after the effective date of the agreement in the amounts shown below:

| Name of bank | Amount of commitment | Amount of immediate loan |
|---|---|---|
| Guaranty Trust Co. of New York | $2,520,000 | $1,000,000 |
| Irving Trust Co. | 2,520,000 | 1,000,000 |
| Mellon Bank & Trust Co. | 1,890,000 | 750,000 |
| Bankers Trust Co. | 1,890,000 | 750,000 |
| Central Hanover Bank & Trust Co. | 1,260,000 | 500,000 |
| Chemical Bank & Trust Co. | 1,260,000 | 500,000 |
| The Philadelphia National Bank | 1,260,000 | 500,000 |

The proposed loans will be evidenced by promissory notes, maturing December 31, 1950, and are to bear interest from their respective issue dates at the rate of 1½% per annum for a period from the effective date of the agreement to a date two years from such effective date, and at the rate of 1¾% per annum during the period commencing two years from the effective date to maturity. Appalachian will pay to each bank a commitment fee of ¼ of 1% per annum until June 30, 1950 on the daily average unused amount which such bank is obligated to lend. Loans shall be made simultaneously from the banks on 10 days' notice and may be prepaid on similar notice, such loans and prepayments to be borne or made ratably to all banks. Appalachian may, on 10 days' notice, terminate or reduce pro rata in the aggregate amount of $1,000,000 or multiples thereof, the obligations of the banks to make the loans provided for in the agreement.

The application-declaration, as amended, represents that Appalachian will increase its common stock equity by December 31, 1948, by the amount of $5,000,000 over the amount shown on its books of account as of December 31, 1946, said increase in common stock equity to be achieved by either the sale of additional common stock or the retention of earnings. It is further represented that by December 31, 1950, the ratio of common stock equity to total capitalization will be increased to 25%. In the event that Appalachian's equity is not increased in the manner stated above by December 31, 1948, and/or the ratio of common stock equity to total capitalization will be less than 25% at December 31, 1950, a dividend restriction will become operative whereby not more than 75% of the earnings available to the common stock may be paid out as dividends on common stock when the ratio of common stock equity (including surplus) is between 20% and 25% of total capitalization, and not more than 50% of such earnings may be paid out as dividends when the ratio falls below 20%.

Appalachian states that the proposed loans are necessary to provide funds to enable it to proceed with its construction program, and that any plan for long-term financing will provide for payment of the then outstanding notes issued under the credit agreement.

Appalachian states that the proposed transactions have been submitted for approval to the State Corporation Commission of the State of Virginia, the state in which Appalachian was organized and is doing business and to the Tennessee

Railroad and Public Utilities Commission of the State of Tennessee, wherein Appalachian also does business.

It is requested that the Commission's order granting the application and permitting the declaration herein, as amended, to become effective be issued prior to May 23, 1947 and that it shall be effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-4591; Filed, May 15, 1947; 8:48 a. m.]

[File No. 70-1506]

KENTUCKY AND WEST VIRGINIA POWER CO. AND AMERICAN GAS AND ELECTRIC CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 9th day of May A. D. 1947.

Notice is hereby given that a joint application-declaration and amendment thereto have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by American Gas and Electric Company ("American Gas") a registered holding company, and its wholly-owned utility subsidiary, Kentucky and West Virginia Power Company ("Kentucky") Applicants-declarants designate sections 6 and 7 of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than May 21, 1947 at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application-declaration, as amended, which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after May 21, 1947, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application-declaration, as amended, which is on file in the offices of this Commission, for a statement of the transactions therein proposed which are summarized as follows:

Kentucky has entered into a credit agreement whereby the banks named below will make loans to Kentucky in the aggregate amounts shown below during the period from the effective date of said agreement to July 1, 1950. Of the aggregate amount of $7,500,000 which the banks are obligated to lend, $1,500,000 will be borrowed and notes will be issued therefor within 10 days after the effective date of the agreement in the amounts shown below:

| Name of bank | Amount of commitment | Amount of immediate loan |
|---|---|---|
| Guaranty Trust Co. of New York | $1,500,000 | $300,000 |
| Irving Trust Co | 1,500,000 | 300,000 |
| Mellon Bank & Trust Co | 1,125,000 | 225,000 |
| Bankers Trust Co | 1,125,000 | 225,000 |
| Central Hanover Bank & Trust Co | 750,000 | 150,000 |
| Chemical Bank & Trust Co | 750,000 | 150,000 |
| The Philadelphia National Bank | | |

The proposed loans will be evidenced by promissory notes maturing December 31, 1950, and are to bear interest from their respective issue dates at the rate of 1½% per annum for a period from the effective date of the agreement to a date two years from such effective date, and at the rate of 1¾% per annum during the period commencing two years from the effective date to maturity. Wheeling will pay to each bank a commitment fee of ¼ of 1% per annum until June 30, 1950 on the daily average unused amount which such bank is obligated to lend. Loans shall be made simultaneously from the banks on 10 days' notice, and may be prepaid on similar notice, such loans and prepayments to be borne or made ratably to all banks. Wheeling may, on 10 days' notice, terminate or reduce pro rata in the aggregate amount of $1,000,000 or multiples thereof, the obligations of the banks to make the loans provided for in the agreement.

Kentucky now has outstanding $8,499,000 principal amount of First Mortgage Bonds 5% Series due 1956, all of which are owned by American Gas. In connection with the execution of the Agreement, American Gas and Kentucky agree to expressly subordinate the $8,499,000 principal amount of such bonds as to payment of the principal of and interest on (but not the lien of) such bonds to the payment of the principal of and interest on the Notes to be issued pursuant to the Agreement.

It is stated that the proposed loans are necessary to provide funds to enable Kentucky to proceed with its construction program, and that any plan for long-term financing will provide for payment of the then outstanding notes issued under the credit agreement. It is represented that after the completion of such permanent financing, or in any event before December 31, 1950, Kentucky's common stock equity will equal at least 35% of its total capitalization.

The application-declaration requests that the Commission's order granting the application and permitting the declaration herein, as amended, to become effective be issued prior to May 23, 1947, and that it shall be effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-4587; Filed, May 15, 1947; 8:47 a. m.]

[File No. 70-1507]

WHEELING ELECTRIC CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 9th day of May A. D. 1947.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Wheeling Electric Company ("Wheeling"), an electric utility subsidiary of American Gas and Electric Company ("American Gas"), a registered holding company. Declarant designates sections 7 and 12 (c) of the act and Rule U-42 thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than May 21, 1947 at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after May 21, 1947 said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said declaration, as amended, which is on file in the offices of this Commission, for a statement of the transactions therein proposed which are summarized as follows:

Wheeling has entered into a credit agreement whereby the banks named below will make loans to Wheeling in the aggregate amounts shown below during the period from the effective date of said agreement to July 1, 1950. Of the aggregate amount of $2,500,000 which the banks are obligated to lend, $1,500,000 will be borrowed and notes will be issued therefor within 10 days after the effective date of the agreement in the amounts shown below:

| Name of bank | Amount of commitment | Amount of immediate loan |
|---|---|---|
| Guaranty Trust Co. of New York | $833,334 | $[illegible]00,000 |
| Irving Trust Co | 833,333 | [illegible]00,000 |
| Bankers Trust Co | 833,333 | [illegible]00,000 |

The proposed loans will be evidenced by promissory notes maturing December 31, 1950 and are to bear interest from their respective issue dates at the rate of 1½% per annum for a period from the effective date of the agreement to a date two years from such effective date, and at the rate of 1¾% per annum during the period commencing two years from the effective date to maturity. Wheeling will pay to each bank a commitment fee

of ¼ of 1% per annum until June 30, 1950 on the daily average unused amount which such bank is obligated to lend. Loans shall be made simultaneously from the banks on 10 days' notice, and may be prepaid on similar notice, such loans and prepayments to be borne or made ratably to all banks. Wheeling may, on 10 days' notice, terminate or reduce pro-rata in the aggregate amount of $300,000 or multiples thereof, the obligations of the banks to make the loans provided for in the agreement.

Declarant states that from the proceeds of the immediate borrowing in the amount of $1,500,000, it will repay its 2% notes in the amount of $1,167,500 due May 1, 1950. It is further stated that the proposed loans are necessary to provide funds to enable declarant to proceed with its construction program, and that any plan for long-term financing will provide for payment of the then outstanding notes issued under the credit agreement.

Wheeling has applied to the Ohio Public Utilities Commission for a determination that it has no jurisdiction over the transaction, or, in the alternative, for an order approving the proposed transaction.

The declaration requests that the Commission's order permitting the declaration herein, as amended, to become effective be issued prior to May 23, 1947 and that it shall be effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-4590; Filed, May 15, 1947; 8:48 a. m.]

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[File No. 70-1508]

OHIO POWER CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 9th day of May A. D. 1947.

Notice is hereby given that an application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by The Ohio Power Company ("Ohio") an electric utility subsidiary of American Gas and Electric Company ("American Gas") a registered holding company. Applicant-declarant designates sections 6 (b) and 7 of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than May 21, 1947 at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after May 21, 1947, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application-declaration, as amended, which is on file in the offices of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Ohio has entered into a credit agreement whereby the banks named below will make loans to Ohio in the amounts shown during the period from the effective date of the agreement to July 1, 1950. Of the aggregate amount of $15,000,000 which the banks are obligated to lend, $6,500,000 will be borrowed, and notes will be issued therefor within 10 days after the effective date of the agreement in the amounts shown below:

| Name of bank | Amount of commitment | Amount of immediate loan |
|---|---|---|
| Guaranty Trust Co., of New York | $2,600,000 | $1,300,000 |
| Irving Trust Co | 2,600,000 | 1,300,000 |
| Mellon Bank and Trust Co | 1,950,000 | 975,000 |
| Bankers Trust Co | 1,950,000 | 975,000 |
| Central Hanover Bank & Trust Co | 1,300,000 | 650,000 |
| Chemical Bank & Trust Co | 1,300,000 | 650,000 |
| The Philadelphia National Bank | 1,300,000 | 650,000 |

The proposed loans will be evidenced by promissory notes maturing December 31, 1950, and are to bear interest from their respective issue dates at the rate of 1½% per annum for a period from the effective date of the agreement to a date two years from such effective date, and at the rate of 1¾% per annum during the period commencing two years from the effective date to maturity. Ohio will pay to each bank a commitment fee of ¼ to 1% per annum until June 30, 1950 on the daily average unused amount which such bank is obligated to lend. Loans shall be made simultaneously from the banks on 10 days' notice and may be prepaid on similar notice, such loans and prepayments to be borne or made ratably to all banks. Ohio may, on 10 days' notice, terminate or reduce pro-rata in the aggregate amount of $1,000,000 or multiples thereof, the obligations of the banks to make the loans provided for in the agreement.

Ohio states that the proposed loans are necessary to provide funds to enable it to proceed with its construction program, and that any plan for long-term financing will provide for payment of the then outstanding notes issued under the Credit Agreement.

Applicant-declarant states that the Public Utilities Commission of the State of Ohio, the state in which it was organized and is doing business, has jurisdiction with respect to the proposed transactions and an application has been made to such Commission for an order approving the proposed transactions.

It is requested that the Commission's order granting the application and permitting the declaration herein to become effective be issued prior to May 23, 1947 and that it shall be effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-4589; Filed, May 15, 1947; 8:48 a. m.]

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[File No. 70-1511]

STANDARD GAS AND ELECTRIC CO.

MEMORANDUM OPINION AND ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 9th day of May 1947.

Standard Gas and Electric Company ("Standard Gas") a registered holding company, has filed a declaration pursuant to sections 6 and 7 of the Public Utility Holding Company Act of 1935 ("act") The declaration proposes the extension of the maturity of certain Bank Loan Notes of the company which now mature on May 10, 1947, aggregating in principal amount $8,010,826.95 from that date until July 10, 1947. These notes are a portion of an issue originally made on April 10, 1946 in the sum of $51,000,000, of which the total amount now outstanding aggregates $33,510,826.95. The notes maturing on May 10, 1947, were by their original terms due on April 10, 1947 and an extension for 30 days was previously authorized (File No. 70-1479, Holding Company Act Release No. 7328). Consent has been obtained from the holders of the outstanding Bank Loan Notes to the proposed extension, subject to approval of this Commission.

The Bank Loans in the amount of $51,000,000 were originally made pursuant to authorization of the District Court of the United States for the District of Delaware, which at that time had before it a reorganization proceeding affecting Standard Gas. Standard Gas had outstanding at that time notes and debentures aggregating $58,601,000 in principal amount, and under its amended plan had proposed a distribution to the holders of these notes and debentures of cash and securities. Pursuant to authority obtained from the Court, Standard Gas was given leave to redeem the notes and debentures; and funds for that purpose in addition to treasury cash were secured by issuance of the bank loan notes in the amount of $51,000,000, issued to the group of eleven participating banks located in New York, Chicago, Pittsburgh, Detroit, and Milwaukee. As originally issued $7,140,000 of the notes matured six months after their issuance (on October 10, 1946) $18,360,000 one year after their issuance (on April 10, 1947); and the remaining $25,500,000 will mature three years after issuance (on April 10, 1949).

The issuance of the bank loan notes was submitted to us and our approval was given on February 26, 1946 (In the matter of Standard Gas and Electric Company, File No. 70-1211, — S. E. C. — Holding Company Act Release No. 6435).

The facts concerning the proceedings in the District Court and other circumstances surrounding the issuance of the bank loan notes are summarized in our findings and opinion in that case.

At the time the bank loan notes were authorized and issued, Standard Gas represented that prompt steps would be taken to dispose of assets in order to retire these notes. As we pointed out in our opinion (Holding Company Act Release No. 6435, pages 8–9)

> * * * The proposed issuance of bank notes is warranted only as a temporary expedient in order to permit the prompt retirement of presently outstanding debt, and to facilitate the disposition of subsidiary securities required in order to comply with the requirements of Section 11 (b). The program contemplates the expeditious sale of the subsidiary companies' securities, and the proceeds of these sales will be used to retire the bank notes * * *

We permitted the declaration to become effective notwithstanding the maturity of three years for half of the note issue, on the basis of testimony of company officials that this maturity was proposed to provide against contingencies, but that every effort would be made to dispose of assets and liquidate the bank loans as soon as possible.

Since the issuance of the bank loan notes, Standard Gas has disposed of its holdings in Pacific Gas and Electric Company (from which sale there was realized a net amount of approximately $7,600,000) and in Mountain States Power Company (from which was realized the sum of approximately $4,500,000) These sums were applied in reduction of the bank loan notes, and in addition there was applied approximately $5,400,000 out of income and from the disposition of certain other assets. Thus, there has been paid approximately $17,500,000, leaving outstanding approximately $33,500,000, of which $8,010,826.95 matures on May 10 and for which the proposed sixty-day extension has been requested.

Standard Gas proposed to meet the forthcoming maturity by use of the proceeds of the proposed sale of its holdings in The California Oregon Power Company ("Copco") These holdings were previously offered for sale at competitive bidding during June 1946, but the company was not satisfied with the bids received and rejected them. An application-declaration with respect to the sale of the holdings of Standard Gas in Copco was subsequently filed in March 1947, and has been the subject of successive amendments, the last of which amendments was filed on May 2, 1947. We have issued our order permitting the declaration to become effective as to the proposed disposition, subject to certain conditions (Holding Company Act Release No. 7390). Standard Gas has represented that, barring unforeseen contingencies, it will advertise for bids on or about May 14, and that it will offer the proposed securities on or about May 20. Under this schedule, it would in normal course receive the proceeds of this sale on or about May 27. Standard Gas contemplates that the proceeds from the sale of its holdings in Copco will be more than sufficient to retire the bank loan notes now due May 10, 1947.

Although under the contemplated time schedule, Standard Gas would be in a position to pay these notes within less than three weeks after their present maturity (May 10) officials of the company have urged that the extension be permitted for a sixty-day period. They have urged that, although they fully contemplate a prompt advertising for bids and public offering, an extension for a shorter period might place the company in a disadvantageous position with respect to the securing of favorable bids from underwriters for the common stock of Copco. They also wish to provide for the possibility of presently unforeseeable events, such as sudden market disturbances, which might render inadvisable the offering on the particular days now contemplated.

In the course of the hearing held in this matter, testimony was received from three directors of Standard Gas, including the Chairman of its board. Inquiry was made as to the company's program not only as to the satisfaction of the immediately approaching maturity but also as to the steps proposed toward liquidation of the remainder of the bank loans. It appears from the evidence that the board of directors contemplates the disposition for cash of the company's holdings in Louisville Gas and Electric Company as soon as the recapitalization proceedings for that company now pending under section 11 (e) of the act can be completed. However, the company apparently has at the present time no specific plans for disposition of other major assets with which to satisfy the bank loan notes in the near future. The directors who testified indicated that it was the present view of the board that the remainder of the bank loan would be liquidated as part of or in connection with an allocation plan dealing with the recapitalization or liquidation of the company, and they prefer to take no action with respect to the bank loans until such time as such a plan may be formulated.

We are by no means satisfied that the management of this company has proceeded as diligently as possible toward the liquidation of this bank loan. Had more aggressive steps been taken toward the sale of assets, the proposed extension now sought might well have been unnecessary. However, although as to the proposed sixty-day period no showing of absolute necessity has been made, we will accede to this request on the basis of the representations which have been made that immediate steps are being taken to dispose of the Copco holdings. If this disposition is consummated with dispatch as represented, the immediate maturity may be met within much less than the sixty days provided. It is perhaps unnecessary to state that, in view of the fact that this is the second extension requested, and in view of the circumstances of this case, we will not be disposed to look with favor upon any further request for extension if the present commitments are not carried out.

We consider it appropriate at this time to comment briefly upon the remainder of the company's program. Our order pursuant to section 11 (b) (1) was entered August 8, 1941.[1] In that order we directed the disposition by Standard Gas of various of its properties, including its holdings in Oklahoma Gas and Electric Company, Wisconsin Public Service Company, Copco, and Louisville Gas and Electric Company. At the time the bank loan notes were issued, and indeed as late as the fall of 1946, the company represented that it would make prompt disposition of its holdings in Oklahoma Gas and Electric Company. Testimony of company witnesses at this hearing indicates that Standard Gas does not now propose a public sale of its holdings in Oklahoma Gas and Electric Company.[2] The present program of the Standard Gas management contemplates disposition of the company's holdings in Copco and in Louisville Gas and Electric Company system, to be followed by retirement of the balance of the bank loans in connection with the contemplated allocation plan.

It is apparent that the program as now outlined is not consistent with the company's representations to the Court and to the Commission, at the time the bank loans were approved. In view of the fact that the bank loans were approved by the Commission only upon the basis of very definite representations by the company as to the prompt retirement of those loans, it is our view that if there is to be any change in the company's program as then represented, such a change should be permitted only upon the basis of convincing evidence. However, it is not necessary for us at the present time to reach any decision as to those aspects of the program. We shall expect that expeditious action will be taken by Standard Gas to dispose of its holding in Copco and to consummate the presently pending plan concerning Louisville Gas and Electric Company, to be followed by a disposition of the interests of Standard Gas in that system. We shall assume also that Standard Gas will proceed rapidly in the formulation and presentation of its over-all plans. At the appropriate time we will consider all questions presented by the company's program, including the question of the extent to which the company should be permitted to depart from the program which it previously submitted to the Court and the Commission for the retirement of its bank loans.

The Commission finding with respect to said declaration that the requirements of section 7 of the act and the rules and regulations promulgated thereunder are satisfied, and deeming it appropriate in the public interest and in the interests of investors and consumers that said declaration should be permitted to become effective;

*It is ordered,* That the said declaration be and is hereby permitted to become ef-

[1] Standard Power and Light Corporation, et al., 9 S. E. C. 862

[2] Applications by Standard Gas and Oklahoma Gas and Electric Company to sell shares of the latter company, including a registration statement, were filed in December 1946. Although the Oklahoma Company itself sold 140,000 shares of common stock to the public Standard Gas never proceeded to carry out the proposed sale of the 750,000 shares of common stock which it holds.

fective, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-4593; Filed, May 15, 1947; 8:48 a. m.]

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[File No. 811-167]

FISCAL FUND, INC.

NOTICE OF MOTION, STATEMENT OF ISSUES AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 12th day of May A. D. 1947.

Notice is hereby given that the Corporation Finance Division of the Commission, having reasonable cause to believe that the assets of Fiscal Fund, Inc., have been distributed among its stockholders and that the company has been dissolved, will move pursuant to section 8 (f) of the Investment Company Act of 1940 for an order declaring that Fiscal Fund, Inc., has ceased to be an investment company and terminating its registration under said act.

It appears that on January 12, 1943 the District Court of the United States for the District of Delaware issued an order appointing Howard F. McCall receiver of Fiscal Fund, Inc., for the purpose of liquidating the company and distributing its assets pro rata among its shareholders. It further appears that on October 27, 1943 the same court issued an order providing for the final distribution of the assets of Fiscal Fund, Inc., and declaring the company to be dissolved.

The Corporation Finance Division has advised the Commission that upon preliminary examination it deems the following issue to be raised without prejudice to the specification of additional issues upon further examination;

(1) Whether Fiscal Fund, Inc., has ceased to be an investment company within the meaning of the act, and

(2) Whether it is necessary for the protection of investors to condition any order terminating its registration under the act.

It appearing to the Commission that a public hearing upon the motion is necessary and appropriate:

*It is ordered,* Pursuant to section 40 (a) of said act, that a public hearing on the aforesaid motion be held on May 27, 1947, at 10:00 a. m., eastern daylight time, Room 318 in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

*It is further ordered,* That William W Swift, Esquire, or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing and any officer or officers so designated to preside at any such hearing is hereby authorized to exercise all of the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to hearing officers under the Commission's rules of practice.

Notice of such hearing is hereby given to Howard F McCall receiver of Fiscal Fund, Inc., and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors. Any person desiring to be heard or otherwise desiring to participate in said proceeding should file with the Secretary of the Commission, on or before May 26, 1947 his application therefor as provided by Rule XVII of the rules of practice of the Commission, setting forth therein any of the above issues of law or fact which he desires to controvert and any additional issues he deems raised by the aforesaid application.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant to the Secretary.*

[F. R. Doc. 47-4594; Filed, May 15, 1947; 8:49 a. m.]

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# DEPARTMENT OF JUSTICE

## Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 8379]

LOUISE E. MALL

In re: Estate of Louise E. Mall, deceased. File D-28-11589; E. T. sec. 15804.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mary Ropple, Karoline Mall and Anna Mall, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Louise E. Mall, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany),

3. That such property is in the process of administration by Emma Faidley and Howard Mall, as executors, acting under the judicial supervision of the Probate Court of Clay County, Kansas;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 5, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4530; Filed, May 14, 1947; 8:47 a. m.]

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[Vesting Order 8383]

KATHARINA MENCKE

In re: Bank account owned by Katharina Mencke. F-28-3566-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Katharina Mencke, whose last known address is Oberbayern, Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows: That certain debt or other obligation of The Bank for Savings in the City of New York, 280 Fourth Avenue, New York 10, New York, arising out of a savings account, Account Number 1,491,583, entitled Katharina Mencke and Madeline Breuss or either and survivor, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Katharina Mencke, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 5, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director*

[F. R. Doc. 47-4607; Filed, May 15, 1947; 8:56 a. m.]

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[Vesting Order 8890]

EUGEN DURRWACHTER

In re: Invention and disclosure thereof of Eugen Durrwachter. TC-3046.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Eugen Durrwachter, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That the property described as follows:

The disclosure identified as follows:

*Inventor and Invention*

Eugen Durrwachter, Apparatus for producing silver powder of uniform grain size;

together with the entire right, title and interest throughout the United States and its territories in and to, together with the right to file applications in the United States Patent Office for Letters Patent for, the invention or inventions shown or described in such disclosure,

is property of, and is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director*

[F. R. Doc. 47-4581; Filed, May 14, 1947; 8:47 a. m.]

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[Vesting Order 8900]

ANTON FUNKE

In re: Stock owned by Anton Funke. F-28-28085-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anton Funke, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows: Twelve (12) shares of $100 par value common capital stock of The Papyrus Company, Market Street, Kenilworth, New Jersey, a corporation organized under the laws of the State of New Jersey, evidenced by certificates numbered 17, 29, 30 and 129 for 1, 5, 5, and 1 shares, respectively, and registered in the name of Anton Funke, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4608; Filed, May 15, 1947; 8:56 a. m.]

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[Vesting Order 8901]

LUDWIG GIES

In re: Stock owned by Ludwig Gies. F-28-23620-D-2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ludwig Gies, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows: Forty (40) shares of common capital stock of Continental Motors Corporation, 205 Market Street, Muskegon, Michigan, a corporation organized under the laws of the State of Virginia, evidenced by Certificate number NYA21704, registered in the name of Ludwig Gies, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director*

[F. R. Doc. 47-4609; Filed, May 15, 1947; 8:56 a. m.]

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[Vesting Order 8902]

SIGMUND MARTIN HAFFNER

In re: Stock owned by Sigmund Martin Haffner. F-28-8251-A-1, F-28-8251-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Sigmund Martin Haffner, whose last known address is Lutheran Deaconess Institute, Neuendettelsau, Mittelfranken, Bavaria, Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That the property described as follows: Twenty-five (25) shares of $25.00 par value Class A, 7% cumulative preferred capital stock of Hearst Consolidated Publications, Inc., 1008 Hearst Building, San Francisco, California, a corporation organized under the laws of the State of Delaware, evidenced by Certificate Numbered C01344, and registered

in the name of Sigmund Martin Haffner, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director*

[F. R. Doc. 47-4610; Filed, May 15, 1947; 8:56 a. m.]

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[Vesting Order 8903]

OTTO KEIL

In re: Bank account owned by Otto Keil. F-28-28205-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Otto Keil, whose last known address is Rosswein, Saxony, Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows: That certain debt or other obligation of The Lincoln Savings Bank of Brooklyn, 531 Broadway, Brooklyn, New York, arising out of a Savings Account, Account Number D-2743, entitled Eugen Degenkolb (now deceased) in trust for Otto Keil (nephew), maintained at the branch office of the aforesaid bank located at 7427 5th Avenue, Brooklyn, New York, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Otto Keil, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4611; Filed, May 15, 1947; 8:56 a. m.]

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[Vesting Order 8906]

HANS RINGSDORFF

In re: Debt owing to Hans Ringsdorff. F-28-8829-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hans Ringsdorff, whose last known address is Mehlen A/Rh Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows: That certain debt or other obligation owing to Hans Ringsdorff, by National Carbon Company, Inc., 30 East 42d Street, New York 17, New York, in the amount of $2,107.19, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4612; Filed, May 15, 1947; 8:57 a. m.]

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[Vesting Order 8903]

MARIA SCHMOLZ

In re: Stock and scrip certificates owned by Maria Schmolz. F-28-24025-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Maria Schmolz, whose last known address is c/o Deutsche Bank und Diskonto, Mauerstrasse 26-27, Berlin W8, Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows:

a. Two (2) shares of $1 par value common capital stock of Remington Rand, Inc., 465 Washington Street, Buffalo, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered C0240306 and C0267205 for one (1) share each, registered in the name of Maria Schmolz and presently in the custody of City Bank Farmers Trust Company, 22 William Street, New York, N. Y., together with all declared and unpaid dividends thereon,

b. Four (4) bearer scrip certificates numbered SC19541, SC20256, SC19671 and SC42274 for thirty-five hundredths (35/100) forty hundredths (40/100), forty-five hundredths (45/100) and fifty hundredths (50/100) share, respectively, of $1 par value common capital stock of Remington Rand, Inc., 465 Washington Street, Buffalo, New York, a corporation organized under the laws of the State of Delaware, presently in the custody of City Bank Farmers Trust Company, 22 William Street, New York, New York, together with all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof

is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
*Director*

[F R. Doc. 47-4613; Filed, May 15, 1947; 8:57 a. m.]

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[Vesting Order 8920]

NISSHIN AUTOMOBILE CO., LTD.

In re: Debt owing to Nisshin Automobile Company, Ltd., F-39-2319-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Nisshin Automobile Company, Ltd., the last known address of which is Osaka, Japan, is a corporation, partnership, association or other business organization, organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan)

2. That the property described as follows: That certain debt or other obligation owing to Nisshin Automobile Company, Ltd., by The Studebaker Export Corporation, 635 South Main Street, South Bend, Indiana, in the amount of $212.52, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 7, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
*Director*

[F. R. Doc. 47-4616; Filed, May 15, 1947; 8:57 a. m.]

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[Vesting Order 8921]

SOPHIA RIPPMANN

In re: Bank account owned by the personal representatives, heirs, next of kin, legatees and distributees of Sophia Rippmann, deceased. F-28-506-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Sophia Rippmann, deceased, who there is reasonable cause to believe are residents of Germany are nationals of a designated enemy country (Germany)

2. That the property described as follows: That certain debt or other obligation of State Bank of Bay, Bay, Missouri, arising out of a Checking Account, entitled Sophia Rippmann, and any and all rights to demand, enforce and collect the same.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Sophia Rippmann, deceased, the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Sophia Rippmann, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 7, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
*Director*

[F. R. Doc. 47-4617; Filed, May 15, 1947; 8:57 a. m.]

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[Vesting Order 8923]

GEORG STOLL

In re: Bank account owned by Georg Stoll. F-28-5575-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Georg Stoll, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That the property described as follows: That certain debt or other obligation of The Rye National Bank, Rye, New York, arising out of a Checking Account, entitled William A. Lange in trust for Georg Stoll, maintained at the branch office of the aforesaid bank located at Harrison, New York, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Georg Stoll, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 7, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
*Director*

[F. R. Doc. 47-4619; Filed, May 15, 1947; 8:57 a. m.]